

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JESSA JEAN WOJACK, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
October 5, 2006

Petitioner-Appellee,

v

LISA ANN LARCINESE,

Respondent-Appellant.

No. 269040
Wayne Circuit Court
Family Division
LC No. 93-310786-NA

Before: Borrello, P.J., and Jansen and Cooper, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating her parental rights to the child pursuant to MCL 712A.19b(3)(g), (i), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

An original petition seeking permanent custody of the child was filed after an incident in which respondent was arrested for trying to run a man over with a vehicle. The child was in the back seat of the car, and respondent admitted to using cocaine earlier in the day. The trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The record revealed that one of respondent's older children was made a temporary ward in 1993 because respondent was incarcerated for drug offenses. Respondent successfully completed services, and the child was returned to her care. Respondent had another child and began using drugs again. She voluntarily entered into a guardianship regarding the two older children in 1998. Respondent's parental rights to the two children were terminated in 2005 after she failed to support or assist in the children's upbringing for more than two years. Therefore, there was clear and convincing evidence that respondent's parental rights to the child's siblings were terminated due to serious and chronic neglect and prior attempts to rehabilitate respondent were unsuccessful.

Respondent's continued drug use also prevented her from providing the child with proper care and custody and placed the child at risk of harm. Respondent's drug use was extensive, as was her criminal history. She used cocaine up to three times a night and admitted that her drug use compromised her ability to parent the child. She failed to become drug-free even after

attending six treatment programs in the past. Respondent admitted that she used drugs even though she knew that it could jeopardize her ability to parent and could ultimately end in termination of her parental rights.

Having found statutory grounds for termination proven by clear and convincing evidence, the trial court was required to terminate respondent's parental rights unless it appeared from the record that termination was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The child had lived with her mother her entire life and undoubtedly there was a bond between them. Nevertheless, respondent's history demonstrated an inability to care for her children due, in significant part, to her inability to stop using drugs. There was no evidence that respondent would have been able to become drug-free in the foreseeable future. The child was entitled to permanence and stability.

Affirmed.

/s/ Stephen L. Borrello

/s/ Kathleen Jansen

/s/ Jessica R. Cooper