

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of SAMUEL NEWSON, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SHEILA NEWSON,

Respondent-Appellant,

and

WARREN JOSHUA FLOYD,

Respondent.

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UNPUBLISHED

November 14, 2006

No. 269137

Calhoun Circuit Court

Family Division

LC No. 01-004656-NA

Before: Fort Hood, P.J., and Murray and Donofrio, JJ.

MEMORANDUM.

Respondent mother appeals as of right from the trial court order terminating her parental rights under MCL 712A.19b(3)(c)(i), (g), (j), and (l). We affirm.

Respondent mother's parental rights to her three older children were terminated in 1998 because of her substance abuse. The conditions leading to adjudication regarding Samuel were respondent mother's 18 to 20-year history of substance abuse, her current substance abuse, and her mental health issues. She also left Samuel at her mother's home for periods of time. Samuel was placed with his maternal grandmother, who had previously adopted respondent mother's three older children. During the pendency of the case, respondent mother completed one drug treatment program, relapsed, and was in a drug treatment program at the time of trial. Respondent mother had completed six or seven drug treatment programs during her lifetime, but always relapsed.

The trial court did not clearly err in finding that the statutory grounds for termination had been established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 357; 612 NW2d 407 (2000); MCR 3.977(J). At the time of trial, respondent mother testified that she needed to take care of herself and would not be ready to care for Samuel for another year, admitting that she could not provide proper care and custody. Further, Samuel was four years old at the time of

trial and had spent nearly half his life in foster care. Waiting another year for respondent mother would not be reasonable considering his young age. Further, the danger of physical and emotional harm existed through a continued neglect of Samuel's basic needs and because of respondent mother's lifestyle of dependence on substances. Respondent mother had several opportunities to rehabilitate herself through treatment programs, and she continued her cycle of relapses. Finally, respondent mother testified that her parental rights to three other children had previously been involuntarily terminated because of her substance abuse.

The trial court also did not clearly err in its best interests determination. Termination of parental rights is mandatory if the trial court finds that the petitioner established a statutory ground for termination, unless the court finds that termination is clearly not in the child's best interest. *Trejo, supra* at 344. At four years old, Samuel had resided with his grandmother for nearly half his life. Respondent mother's testimony that she would not be able to care for him for another year meant another year where Samuel lacked permanency.

Affirmed.

/s/ Karen M. Fort Hood  
/s/ Christopher M. Murray  
/s/ Pat M. Donofrio