

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of E. R. L. C., Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SHARON CASPER,

Respondent-Appellant,

and

MARIO CAMPOS,

Respondent.

UNPUBLISHED

August 4, 2009

No. 289697

Berrien Circuit Court

Family Division

LC No. 2007-000136-NA

Before: Meter, P.J., and Murray and Beckering, JJ.

PER CURIAM.

Respondent-appellant Sharon Casper appeals as of right from the trial court's order terminating her parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm.

The trial court did not clearly 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). Termination was appropriate under § 19b(3)(a)(ii) in light of the evidence that respondent left the area and made no attempt to contact the child or any person associated with this case for more than three months. Respondent was present at the termination hearing only because she had been arrested two days earlier on an outstanding warrant.

Termination was also appropriate under §§ 19b(3)(c)(i), (g), and (j). The conditions that led to the adjudication were respondent's failure to protect the child, failure to provide a safe environment, and domestic violence. Respondent also abused prescription and illegal drugs, and lacked adequate housing and financial means to properly care for the child. Respondent initially attempted to participate in services, but never completed or complied with any of the services offered, and she failed to benefit from the services that she did receive. Considering

respondent's lack of stability, continuing substance abuse, criminality, and failure to address or accept responsibility for the issues that led to the child's removal, the trial court did not err in finding that there was no reasonable expectation that respondent would be able to properly parent the child within a reasonable time. In addition, considering the evidence of respondent's history of exposing the child to domestic violence and failure to protect the child in the past, and of her failure to address or accept responsibility for her role in these matters, the trial court likewise did not err in concluding that there was a reasonable likelihood that the child would be harmed if returned to respondent's custody.

The trial court also did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5). Contrary to what respondent asserts, the trial court affirmatively found that termination of her parental rights was in the child's best interests, consistent with MCL 712A.19b(5), as amended by 2008 PA 199, effective July 11, 2008. The evidence revealed that respondent had made no progress in achieving stability or addressing her substance abuse issue, and the child, who had been in the custody of other caregivers for most of his life, required stability and permanency in order to facilitate his continued growth and development. Thus, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Patrick M. Meter
/s/ Christopher M. Murray
/s/ Jane M. Beckering