

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED  
September 21, 2010

In the Matter of SINGLETON, Minors.

No. 296196  
Macomb County Circuit Court  
Family Division  
LC No. 08-000452-NA

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Before: WILDER, P.J., and CAVANAGH and M. J. KELLY, JJ.

PER CURIAM.

Respondent mother appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) (conditions that led to adjudication continue to exist), (g) (failure to provide proper care and custody), and (j) (risk of harm to the child if returned to parent's care). We affirm.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). The trial court must also find clear and convincing evidence that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5). This Court reviews a trial court's factual findings in an order terminating parental rights for clear error. MCR 3.977(K); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). A finding of fact is clearly erroneous, if although there is evidence to support it, the reviewing court is left with the definite and firm conviction that a mistake has been made. *Id.*

On appeal, respondent argues that the trial court erred in terminating her parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), and (j), because petitioner failed to provide respondent with access to services to help her overcome her drug addiction. When petitioner removes a child from her parent's custody, petitioner is required to make reasonable efforts to rectify the conditions that led to the child's removal by adopting a service plan. *In re Fried*, 266 Mich App 535, 542-543; 702 NW2d 192 (2005). The reasonableness of the petitioner's services is relevant to the sufficiency of evidence for termination of a respondent's parental rights. *Id.*

Contrary to respondent's argument, petitioner made several different referrals in an effort to assist respondent in acquiring substance abuse treatment. Petitioner issued authorizations for drug screening four times a month beginning on August 13, 2008. Petitioner referred respondent

to CARE for a substance abuse assessment on August 13, 2008 and December 30, 2008. Respondent attended the assessment on January 29, 2009. On December 30, 2008, petitioner also referred respondent to Macomb Family Services for substance abuse and individual counseling. The worker made another referral to CARE on June 30, 2009, and as a result, respondent began treatment at Eastwood Clinic. Respondent was offered a five-day detoxification program and follow-up intensive inpatient treatment at Turning Point Otter Lake. Respondent was referred to the SASS program and received services from that substance abuse program in July, August, and September 2009. Respondent was referred to Eastwood again in October 2009.

There was no evidence that respondent required more services than were being offered throughout the rest of the case. Rather, the evidence clearly established that respondent failed to take advantage of the services offered. Thus, there was clear and convincing evidence that petitioner made reasonable efforts to assist respondent reunify with her children.

Respondent's substance abuse problem prevented her from providing proper care and custody for her children, which led to their removal from her care. Respondent put her children's lives in danger when she used cocaine while she was pregnant with them, when she used heroin when she was supposed to be caring for them, when she faced eviction because she spent her money on heroin, and when she faced criminal conviction for drug-related activity. All of these conditions, which exposed her children to a risk of harm, continued to exist at the termination.

Respondent failed to address her substance abuse issues in any meaningful way through treatment. Respondent admitted to using heroin throughout the case and as recently as November 10, 2009, after the termination petition was filed and one month before the termination hearing began. Respondent was behind in her rent and faced another eviction. In addition, respondent did not have any income with which to support her children. Moreover, respondent had been arrested one month before the termination hearing and was in jail when the hearing began. At the time respondent was arrested, she had two syringes in her possession and admitted to using heroin that day.

Respondent had not visited with her children since November 6, 2008, when her daughter was one year old and her son was three years old. The trial court ordered respondent to submit three negative drug screens in order to have visitation reinstated, which respondent failed to do. Respondent admitted that she did not submit to any drug screens throughout the case because she knew that they would be positive for heroin. In addition to not physically visiting with her children for over one year, respondent did not provide any monetary support for her children. She did not call them or send them cards or letters. Respondent sent her children gifts on only two occasions since November 2008.

Respondent's son has been diagnosed with disruptive behavior disorder and possibly ADHD. He exhibited severe behavioral problems and was in need of a very stable and structured environment. There was no evidence that respondent was capable of providing a stable or structured environment for her children.

Considering that all of the conditions that existed at adjudication that prevented respondent from providing proper care and custody and exposed her children to harm continued

to exist at the termination hearing, the trial court did not clearly err in terminating respondent's parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). This evidence combined with respondent's continued chaotic lifestyle supported the trial court's conclusion that termination of respondent's parental rights was in the children's best interests.

Affirmed.

/s/ Kurtis T. Wilder  
/s/ Mark J. Cavanagh  
/s/ Michael J. Kelly