

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of CHARLEE BALL, Minor.

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

Petitioner-Appellee,

v

THERESA LEACH-BALL,

Respondent-Appellant.

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UNPUBLISHED  
March 30, 2006

No. 265157  
Macomb Circuit Court  
Family Division  
LC No. 2004-5692331-NA

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In the Matter of CHANDLER BALL, Minor.

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

Petitioner-Appellee,

v

THERESA LEACH-BALL,

Respondent-Appellant.

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No. 265184  
Macomb Circuit Court  
Family Division  
LC No. 2004-5692321-NA

Before: Hoekstra, P.J., and Wilder and Zahra, JJ.

PER CURIAM.

In these consolidated appeals, respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i). We affirm.

The trial court did not clearly err in finding that the statutory ground for termination of respondent's parental rights was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent did not rectify the condition of failure to visit or support her children during this proceeding. She had not seen

them since their father removed them to Michigan in October 2002, communicated with them very infrequently after that time, failed to pursue their custody when they were removed from their father in October 2004, and failed to inquire about their well being or pursue their custody until she completed an alcohol detoxification program in December 2004. Although respondent's condition of probation and lack of financial means due to chronic unemployment may have prohibited her travel to Michigan, the evidence was clear and convincing that when this proceeding commenced she did not desire custody of her children, but preferred that relatives care for them. She did not express a desire for reunification until termination of her parental rights was sought, and waiting to cooperate until March 2005 left her little time to demonstrate that she was able to provide a proper home. The delay was of respondent's own making since she failed to contact the agency and lived a transient lifestyle that hindered attempts at personal service of process and delivery of a parent agency agreement until March 2005.

An additional condition leading to the children's continued wardship was respondent's 20-year dependence on alcohol. Although respondent addressed that condition during the course of this proceeding, the evidence showed that she had been treated in September 2002, April 2003 and August 2004, but had relapsed. She had remained sober for seven months by the time of termination, but her history was one of relapse.

Given respondent's lack of affirmative action to obtain visits with or regain custody of her children not only during the bulk of this proceeding, but for two years prior, and her past inability to maintain sobriety for any length of time, the trial court did not clearly err in finding that respondent would not rectify the conditions leading to the children's wardship within a reasonable time.

Further, the evidence did not show that termination of respondent's parental rights was clearly contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The children knew respondent as their mother and resided with her for several years but endured instability for much of their young lives. They were cared for by a drug-addicted father, paternal relatives and various family friends, and needed a permanent home. They adjusted well to placement with a maternal great-aunt who desired to adopt them, and no evidence was presented showing that termination was clearly contrary to their best interests. The trial court did not err in going one step further and finding that termination was in the children's best interests.

Affirmed.

/s/ Joel P. Hoekstra  
/s/ Kurtis T. Wilder  
/s/ Brian K. Zahra