

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AVIYONNE ACASIA-
CHRISTINE ADAMS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

AMBROSIA CHRISTINE-MARIE ADAMS,

Respondent-Appellant,

and

ALEXIS ANTONIO MONTES, BRIAN ADAMS,
and QUINCY WASHINGTON,

Respondents.

UNPUBLISHED

September 18, 2007

No. 276668

St. Joseph Circuit Court

Family Division

LC No. 05-00520-NA

Before: Sawyer, P.J., and White and Talbot, JJ.

MEMORANDUM.

Respondent appeals as of right the January 17, 2007, order entered in the Family Division of the St. Joseph Circuit Court terminating her parental rights to the minor child under MCL 712A.19b(3)(g), (j) and (m). We affirm.

Respondent argues that there was not sufficient clear and convincing evidence to support termination of respondent's parental rights. We disagree. On appeal from termination of parental rights proceedings, we review the trial court's findings that a ground for termination has been established and regarding the child's best interest under the clearly erroneous standard. MCR 3.977(J); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999).

Regarding MCL 712A.19b(3)(g),¹ evidence was presented that respondent did not have a permanent place to live and had spent the past year staying with relatives and friends in

¹ The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody

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Michigan and Indiana; she had also been incarcerated for shoplifting. Evidence was also presented that respondent was unemployed and had not held a steady job for over a year and a half. Respondent admitted that she had been “very unstable” as far as her living situation and transportation, and conceded that she had been looking for a job, and had no money. At the time of the hearing, respondent had only been living with her friend for three consecutive weeks. Although respondent was attentive and nurturing to the minor child during visitation, the visits had been too infrequent for her to establish a bond with the minor child. In light of the evidence on the record, the trial court did not clearly err in finding that MCL 712A.19b(3)(g) was established by clear and convincing evidence.

Regarding MCL 712A.19b(3)(j),² evidence was presented that respondent used drugs throughout her pregnancy with the minor child, and continued to use drugs and alcohol after her birth. In fact, respondent admitted that she still used marijuana to “cope and relax” and did not see herself “ever stopping.” Respondent’s drug screen chart, consisting of primarily positive results, as well as “no-shows” which are treated as positives, was entered into evidence. Respondent stated that she “just ha[d]n’t been able to make it” for drug testing. Although respondent attended some drug counseling on a sporadic basis, she had been discharged from the program due to her failure to receive treatment. The discharge summary specifically noted that respondent was not motivated for change or a drug-free lifestyle. In light of the evidence on the record, the trial court did not clearly err in finding that MCL 712A.19b(3)(j) was established by clear and convincing evidence.

Regarding MCL 712A.19b(3)(m),³ evidence was presented that respondent voluntarily released her parental rights to her other three minor children. In light of the evidence on the record, the trial court did not clearly err in finding that MCL 712A.19b(3)(m) was established by clear and convincing evidence.

Once a statutory ground for termination is established by clear and convincing evidence, the trial court must terminate parental rights unless it finds from the whole record that termination clearly is not in the child’s best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 351; 612 NW2d 407 (2000). The record indicates that respondent visited the minor child so infrequently that the minor child had not demonstrated any bonding or attachment with her. The trial court did not clearly err in determining that termination of respondent’s parental rights was not contrary to the child’s best interests.

Affirmed.

/s/ David H. Sawyer
/s/ Helene N. White
/s/ Michael J. Talbot

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within a reasonable time considering the child’s age.

² There is a reasonable likelihood, based on the conduct or capacity of the child’s parent, that the child will be harmed if he or she is returned to the home of the parent.

³ The parent’s rights to another child were voluntarily terminated following the initiation of proceedings under section 2(b) of this chapter or a similar law of another state.