

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MICHAEL RAYMOND
CORONADO, DYSTANI SKY SMITH,
CHRISTIAN MICHAEL MARVIN CLARK, and
SHAYNE RAE CLARK, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ANGELA SMITH, a/k/a ANGELA CLARK,

Respondent-Appellant,

and

MATTHEW BRENTON, MICHAEL
CORONADO, and STEPHEN SMITH,

Respondents.

Before: Murphy, P.J., and Sawyer and Smolenski, JJ.

PER CURIAM.

Respondent-appellant Angela Smith appeals as of right the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). Because we conclude that there were no errors warranting relief, we affirm. This appeal has been decided without oral argument under MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination of respondent's parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The primary conditions leading to adjudication were respondent's cocaine and marijuana use, lack of proper parenting, leaving the children in the care of unsuitable persons, lack of suitable housing, lack of income, and lack of provision for the children's basic needs. These conditions contributed to respondent's failure to provide proper care for the children. In addition, respondent had anger management issues and issues with criminal conduct.

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Family Division

LC No. 07-000422-NA

Contrary to respondent's argument on appeal, she did not demonstrate progress toward rectifying the conditions of adjudication during this proceeding, and the trial court did not err in declining her additional time to do so. The evidence was clear and convincing that respondent did not complete the ordered services during the eight months between the children's removal and the termination hearing, and in particular she did not provide any evidence of participation in the drug treatment program that she points to as progress. At a review hearing two months before the termination hearing, respondent demonstrated that she did not appreciate the gravity of the situation and her need to rehabilitate.

The evidence also showed respondent failed to participate in services following a referral to protective services for cocaine and marijuana use in 2006. Given her history of failing to rectify drug use, and failure to participate in services during this proceeding, the trial court did not clearly err in finding no reasonable expectation that respondent would rectify the conditions of adjudication or become able to provide proper care for the children 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);¹ *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence showed respondent left the children in the care of others, and when this proceeding commenced those caretakers were unable to contact her. Although respondent stated her love for the children and visited them until parenting time was suspended, she failed to re-establish visits for the next four months by providing three negative screens, even though she claimed to have completed drug treatment and remained drug-free. Given respondent's lack of progress along with her disregard for her children's well-being before and during this proceeding, the trial court did not err in determining that the children's best interests were served by refusing respondent additional time and terminating her parental rights. The children were entitled to an opportunity for stability and permanency.

Affirmed.

/s/ William B. Murphy
/s/ David H. Sawyer
/s/ Michael R. Smolenski

¹ We note that respondent's parental rights were terminated before the effective date of the amendment of MCL 712A.19b(5). See 2008 PA 199.