

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of R.S., R.N., R.R., and R.S., Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JOSEPHINE BURKS,

Respondent-Appellant.

UNPUBLISHED

September 13, 2007

No. 276258

Oakland Circuit Court

Family Division

LC No. 05-714132-NA

Before: Cavanagh, P.J., and Donofrio and Servitto, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to her minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that clear and convincing evidence supported termination of respondent's parental rights. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). At the time the children came into care, respondent lacked suitable housing, and she was struggling with parenting, mental health, and substance abuse issues. Her treatment plan included substance abuse and mental health assessment and treatment. Despite being offered these services, respondent failed to comply in any meaningful manner with the treatment plan. She failed to submit the required random drug screens, she did not comply with the substance abuse assessment, and she failed to make herself available for psychological assessment. Respondent further neglected to maintain contact with the agency. Because respondent did not comply with the treatment plan, visitation with her children was never authorized. Although respondent was not providing drug screens, it was apparent that she continued to abuse marijuana and heroin. Moreover, during the entire time the children were in care, respondent lacked suitable housing. Indeed, in the five months preceding the termination hearing, respondent was housed in the county jail serving a sentence related to her uttering and publishing conviction. Consequently, at the time of the termination hearing, respondent lacked suitable housing and had failed to adequately address her mental health and substance abuse issues.

Based upon the foregoing, the trial court did not err when it concluded that the conditions that led to adjudication continued to exist, that respondent had failed to provide proper care and custody, and that the children would be harmed if returned to respondent's care. Further, there was no hope that the conditions would be rectified within a reasonable time considering the children's ages. Respondent had made no progress in the 14 months the children were in care. Circumstances were only going to improve with significant intervention. Unfortunately, respondent repeatedly rejected such intervention and had not demonstrated that she was motivated to improve.

Respondent contends that she was not given an opportunity to comply with the treatment plan because she was jailed for six months and she was denied psychiatric treatment. Respondent argues that, with proper psychiatric treatment, she could more fully participate in services. Respondent ignores the fact that she brought these circumstances upon herself. The first recommendation that psychiatric evaluation "may" be of benefit to respondent was disclosed in a psychological evaluation that occurred two days before the termination hearing. Had respondent attended the psychological evaluation when it was ordered over a year earlier, and not cancelled at least three times, the need for psychiatric evaluation would have been revealed that much sooner. Instead, respondent made no effort to help herself. The lower court did not err when it denied respondent additional time to comply with the treatment plan when services were offered but repeatedly rejected.

Finally, the trial court did not clearly err when it found no evidence that termination of respondent's parental rights would not be in the children's best interests. See MCL 712A.19b(5); *In re Trejo, supra* at 353-354. Despite respondent's arguments to the contrary, at the time of termination of parental rights, respondent was not capable of caring for her children. Moreover, the children did not wish to live with their mother, they felt secure living in the home of their great-grandmother, and they were at an age where a stable environment was essential to their continued growth and development.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Pat M. Donofrio
/s/ Deborah A. Servitto