STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of TEQUILA J. KNOWLES, DAVID CORTEZ KELLOM and MICHAEL D. KOMELL-KNOWLES, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellant,

v

JEANETTE KNOWLES,

Respondent-Appellee,

and

WILLIE KELLOM and CHARLES R. DEAN,

Respondents.

UNPUBLISHED
November 24, 1998

No. 209678
Wayne Juvenile Court
LC No. 89-279418

Before: Griffin, P.J., and Gage and R. J. Danhof*, JJ.

PER CURIAM.

Petitioner, Family Independence Agency, appeals by leave granted the order denying its petition to terminate respondent-appellee's parental rights to the three minor children. The trial court ruled that petitioner failed to prove that termination was warranted under MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i). We find that the juvenile court clearly erred in its determination that the alleged ground for termination was not established by clear and convincing evidence. MCR 5.974(I), *In re Cornet*, 422 Mich 274, 277; 373 NW2d 536 (1985); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Accordingly, we reverse and remand for entry of an order terminating respondent-appellee's parental rights to the three minor children.

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* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

At the outset, we note that the trial court was required to consider all hearings in this case as a single continuous proceeding. MCR 5.974(F)(2); *In re LaFlure*, 48 Mich App 377, 390-391; 210 NW2d 482 (1973). Here, uncontested evidence was presented at previous hearings showing that respondent-appellee was mildly mentally retarded. Thus, as to this particular issue, the trial court erred to the extent that it held that termination of parental rights was precluded because petitioner failed to present additional proofs at the termination hearing regarding the extent of respondent-appellee's mental condition as it relates to her ability to care for the minor children.

Turning to the specific statutory ground for termination alleged in the petition, we conclude that clear and convincing evidence was presented to establish the alleged statutory ground for termination under MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i), and that the trial court clearly erred in finding otherwise. Under § 19b(3)(c)(i), parental rights may be terminated if 182 days have elapsed since the issuance of the initial dispositional order, the conditions that led to the adjudication continue to exist, and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the ages of the children. The determination of what is a reasonable time properly includes both how long it will take for the parent to improve conditions and how long the child can wait for the improvement. *In re Dahms*, 187 Mich App 644, 647-648; 468 NW2d 315 (1991).

In this case, the two older children became temporary wards of the court in 1989 as a result of neglect by respondent-appellee. The evidence presented by petitioner at trial indicated that respondent-appellee's alcohol and substance abuse problems had not substantially changed over a nine-year period, despite the fact that respondent-appellee had been provided with numerous services, and had participated in numerous substance abuse treatment programs, all of which were unsuccessful. Although respondent-appellee was required to abstain from using drugs or alcohol under the terms of her parent/agency agreement, the evidence showed that she frequently submitted positive drug and alcohol screens, and indeed admitted that she drank a 32-ounce bottle of beer just three days before the termination hearing. Further, the record established that unsupervised visits with the minor children had been stopped precisely because respondent-appellee continued to test positive for alcohol and/or marijuana use. Testimony also indicated that respondent-appellee appeared intoxicated when she arrived for visits. When considering the length of respondent-appellee's substance abuse history and the numerous unsuccessful attempts at rehabilitation, it was not reasonably likely that respondent-appellee would be able to rectify the conditions that led to adjudication within a reasonable time considering the ages of the children. *In re Conley*, 216 Mich App 41, 43-44; 549 NW2d 353 (1996); *In re Jackson*, 199 Mich App 22, 27; 501 NW2d 182 (1993); *In re Dahms, supra*.

Finally, respondent-appellee failed to show that termination of her parental rights was clearly not in the children's best interests. Therefore, termination of respondent-appellee's parental rights to the children was required under MCL 712A.19b(5); MSA 27.3178(598.19b)(5). *In re Hall-Smith*, 222 Mich App 470; 564 NW2d 156 (1997).

Reversed and remanded for entry of an order terminating respondent-appellee's parental rights. We do not retain jurisdiction.

/s/ Richard Allen Griffin
/s/ Hilda R. Gage
/s/ Robert J. Danhof