

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of Nicole Schultz, Christopher Michael  
Schultz and Katrice Shana Schultz, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

YVONNE SCHULTZ,

Respondent-Appellant,

and

WILLIAM MCDERMOTT and LITTLE LOUIE  
MCDERMOTT,

Respondents.

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Before: Jansen, P. J., and Hood and Saad, JJ.

MEMORANDUM.

Respondent Yvonne Schultz appeals as of right the order terminating her parental rights to her children. We affirm.

After respondent was incarcerated on a parole violation charge based on drug possession, her children were placed in foster care. A petition for termination of parental rights was filed, seeking termination under MCL 712A.19b(3)(a)(c)(g)(h)(j), and (m); MSA 27.3178(598.19b)(3)(a)(c)(g)(h)(j), and (m). A termination hearing was held before a referee, who found that respondent was in denial as to the effect of her drug use on her children. Given her drug history, the history of foster care, and her current incarceration, there was clear and convincing evidence

to support the termination of parental rights. The court entered an order consistent with the referee's findings.

A trial court's decision terminating parental rights is reviewed for clear error. *In re Sours Minors*, 459 Mich 624, 632; 593 NW2d 520 (1999). If the court finds statutory grounds of termination were established by clear and convincing evidence, it must terminate parental rights unless the respondent shows that termination is clearly not in the children's best interest. *In re Hall-Smith*, 222 Mich App 470, 472; 654 NW2d 156 (1997).

The court did not clearly err in terminating respondent's parental rights. Respondent's drug history and incarceration clearly support the statutory bases for termination. Where respondent denied the effect of her drug usage on her children, and had a substantial prison term to serve, she failed to show that it would be in the children's best interests not to terminate parental rights.

Affirmed.

/s/ Kathleen Jansen

/s/ Harold Hood

/s/ Henry William Saad