

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of Delshawn Rodney Fears, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DIAMOND CHANEL FEARS,

Respondent-Appellant,

and

EDDIE COLLIER,

Respondent.

UNPUBLISHED

July 7, 2000

No. 222603

Wayne Circuit Court-

Family Division

LC No. 97-361007

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

MEMORANDUM.

Respondent Diamond Chanel Fears appeals as of right the order terminating her parental rights to Delshawn Rodney Fears. We affirm.

Respondent was a temporary court ward when she gave birth to Delshawn. Respondent had no home or income, and the child was made a temporary ward of the court as well, and placed in foster care. After a series of review hearings, a bench trial was held, and the court terminated respondent's parental rights pursuant to MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i) (condition that led to the adjudication continue to exist) and MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g) (neglect).

There was clear and convincing evidence to support the termination of respondent's parental rights under both statutory provisions. The condition that led to the adjudication, respondent's inability

to provide for the child, continued to exist more than 182 days after the initial dispositional order, and there is nothing on the record indicating any reasonable likelihood that the condition would be rectified in a reasonable time. Respondent did not have a home, any means of support, she failed to pursue educational or employment opportunities, she used drugs, and she failed to follow her treatment plan. There is no evidence that respondent made any progress in remedying her condition. Respondent did not provide proper care and custody for her child. The court did not clearly err in finding the statutory basis for terminating parental rights under both sections was established. *In re Sours Minors*, 459 Mich 624; 593 NW2d 520 (1999).

Once the court has found statutory grounds for termination by clear and convincing evidence, the respondent has the burden to show that termination is clearly not in the child's best interest. *In re Hall-Smith*, 222 Mich App 470, 473; 654 NW2d 156 (1997). Respondent presented no evidence that termination of her parental rights would not be in the child's best interest, and termination was mandatory. *Id.*

Affirmed.

/s/ Kathleen Jansen

/s/ Harold Hood

/s/ Henry William Saad