

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of EARL GARRETT, JR. And
CHIQUETTA JOHNSON, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner - Appellee,

v

PAMELA JOHNSON,

Respondent - Appellant.

UNPUBLISHED

September 19, 2000

No. 212411

Wayne Circuit Court

Family Division

LC No. 88-272652

Before: Gribbs, P.J., and Neff and O'Connell, JJ.

MEMORANDUM.

Respondent appeals as of right from the family court order terminating her parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c), (g) and (j); MSA 27.3178(598.19b) (3)(a)(ii); (c), (g) and (j). The rights of the putative fathers were also terminated but are not at issue on appeal. We affirm.

The minor children were made temporary wards of the court in May 1995, although respondent has been involved with the system since 1988 regarding allegations of abuse and neglect of her three other children. The three older children were subsequently placed with relatives, and only Earl and Chiquetta are at issue here. Respondent acknowledged at the initial hearing in this matter that she had a long history of drug use, that Earl tested positive for cocaine at birth and that he was accidentally dropped down a flight of stairs and suffered a skull fracture. Earl had a bloody ear and Chiquetta had sores on her head and her hair was matted when the children were taken into foster care. Both children needed medical attention and had not seen a doctor.

In approximately two years of foster care, respondent appeared for 47 of the 75 scheduled visits with the children. At the time of the termination hearing, respondent had not obtained appropriate housing or a legal source of income and, although she enrolled in four different substance abuse programs, she did not successfully complete any of them. Respondent's drug screens remained

inconsistent throughout these proceedings. Respondent had periods of compliance with the conditions of her parent/agency agreement, but was not able to sustain that compliance for any significant time. Respondent had never provided a stable and secure life for the children and there was no indication that she would be able to do so within a reasonable time frame. Contrary to counsel's mischaracterization of the record on appeal, the trial court never found respondent in "100% compliance" with the parent/agency agreement.

The family court did not clearly err in finding that statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, respondent failed to show that termination of her parental rights was not in the best interest of the children. MCL 712A.19b(5); MSA 27.3178(598.10b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). The family court did not err in terminating respondent's parental rights.

We affirm.

/s/ Roman S. Gibbs

/s/ Janet T. Neff

/s/ Peter D. O'Connell