

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of KF, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

VALLERETTA FRAZIER,

Respondent-Appellant.

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UNPUBLISHED

October 31, 2000

No. 224567

Macomb Circuit Court

Family Division

LC No. 90-035192-NA

Before: Bandstra, C.J., and Saad and Meter, JJ.

PER CURIAM.

Respondent appeals by right from the family court's order terminating her parental rights to a minor child on the basis of MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g) ("[t]he parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age"). We affirm.

This Court reviews for clear error a family court's finding that a statutory basis for termination has been met. MCR 5.974(I); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Once a statutory basis has been proven by clear and convincing evidence, the court must terminate parental rights unless the court finds that termination is clearly not in the best interests of the child. *In re Trejo Minors*, supra at 344, 355. The court's finding on the best interests prong is also reviewed by this Court for clear error. *Id.* at 356-357, 365.

Here, the trial court did not clearly err in determining that a statutory ground for termination was established by clear and convincing evidence and that termination was in the best interests of the child.

The basis for the court taking jurisdiction over the child in this case was respondent's drug problem and her corresponding neglect of the child. The evidence showed that respondent failed to adequately address this problem. Indeed, between February 1995 and October 1998, respondent

failed to complete several different treatment programs that she began. Moreover, she had a positive drug screen in 1995, two in 1996, one in 1997, and three in 1998. She ceased providing drug screens in April 1998, and she admitted at the termination hearing that she did not like to attend Narcotics Anonymous classes because doing so made her want to use drugs. When the case was set for termination, respondent indicated that she would voluntarily relinquish her rights and failed to respond to a letter sent by petitioner with regard to the parent-agency agreement (PAA). In light of this evidence, the trial court did not clearly err in concluding that respondent had failed to successfully address her drug problem and that termination under MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g) was therefore warranted.<sup>1</sup>

Respondent argues that petitioner failed to make reasonable efforts to reunify the family because the case proceeded through six different case workers and because no services were offered after mid-1998. The evidence demonstrated, however, that respondent knew the terms of the PAA and simply stopped trying to comply in the middle of 1998. She voluntarily ceased visiting the child and stopped calling in for her drug screens. She told her caseworker that she would voluntarily relinquish her rights to the child, and she failed to respond to a letter sent by petitioner regarding the PAA. Petitioner cannot be faulted for failing to provide services if respondent indicated that she would voluntarily relinquish her rights and failed to maintain contact with petitioner. Respondent's argument is without merit.

Respondent additionally argues that "it [was] not in the child's best interest to terminate [her] parental rights to the child due to [her] progress in the treatment plan in spite of [petitioner's] lack of services . . . ." However, given respondent's failure to complete numerous treatment programs, her frequent relapses, and her failure to comply with the PAA toward the end of the termination proceedings, the trial court did not clearly err by concluding that termination was indeed in the best interests of the child.

Affirmed.

/s/ Richard A. Bandstra

/s/ Henry William Saad

/s/ Patrick M. Meter

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<sup>1</sup> Although not mentioned by the family court and not necessary to our decision today, we note that termination in this case may have been alternatively warranted under MCL 712A.19b(3)(m); MSA 27.3178(598.19b)(3)(m) ("[t]he parent's rights to another child were voluntarily terminated following the initiation of proceedings under section 2(b) of this chapter or a similar law of another state").