

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DAW, a/k/a DAB, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DONALD WILLIAMS,

Respondent-Appellant,

and

SYLVIA ANN BARNES,

Respondent.

In the Matter of DAW, a/k/a DAB, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SYLVIA ANN BARNES,

Respondent-Appellant,

and

DONALD AARON WILLIAMS,

Respondent.

UNPUBLISHED

April 17, 2001

No. 224615

Saginaw Circuit Court

Family Division

LC No. 98-025252-NA

No. 224689

Saginaw Circuit Court

Family Division

LC No. 98-025252-NA

Before: Hoekstra, P.J., and Whitbeck and Cooper, JJ.

MEMORANDUM.

In consolidated appeals, respondents-appellants appeal as of right from the juvenile court order terminating their parental rights to the minor child under MCL 712A.19b(3)(c)(i), (c)(ii), and (g); MSA 27.3178(598.19b)(3)(c)(i), (c)(ii), and (g). We affirm.

Respondent father argues that the trial court erred in terminating his parental rights because he had a care plan for the child. However, even if respondent had a care plan for the child, the record reveals that he was unemployed, lacked motivation, and failed to complete parenting classes. Despite completion of two treatment programs, respondent father continued to use an illegal substance, marijuana, and continued to deny that he has a substance abuse problem. Although respondent father began individual counseling with a therapist, the therapist closed his case due to his sporadic participation. Under these circumstances, there was sufficient evidence to support the lower court's finding that the relevant subsections of the statute were met. We conclude from a review of the record that the trial court did not clearly err in finding that the above-referenced subsections were established by clear and convincing evidence. MCR 5.974(I); *In re Vasquez*, 199 Mich App 44, 51; 501 NW2d 231 (1993).

Respondent mother argues that assuming a statutory ground exists to terminate her parental rights, an order of termination was not in the best interest of the child. We find no support for this argument in the record. Respondent mother has not shown, nor does the record support, that the trial court's determination that termination of respondent mother's parental rights was in the best interest of the child was clearly erroneous. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The record reveals that respondent mother smoked marijuana during her pregnancy, used cocaine the night before she went into labor, has no GED or diploma, has no job, has served time in jail and is on probation for her aggravated assault conviction pursuant to a guilty plea, denies anger management problems even though her probation officer recommended her to an anger-management program, has failed to complete treatment programs and counseling, and has no care plan for the child. The lower court's termination of respondent mother's parental rights was in the best interests of the child. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *Trejo, supra*.

Affirmed.

/s/ Joel P. Hoekstra
/s/ William C. Whitbeck
/s/ Jessica R. Cooper