

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JOSEPH ASHER and HALEIGH
ASHER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MIRANDA VAUGHAN,

Respondent-Appellant,

and

PAUL ASHER,

Respondent.

UNPUBLISHED
February 22, 2002

No. 234402
Calhoun Circuit Court
Family Division
LC No. 96-000847-NA

Before: Smolenski, P.J., and Doctoroff and Owens, JJ.

MEMORANDUM.

Respondent Miranda Vaughan appeals as of right the order terminating her parental rights to her children, Joseph and Haleigh Asher. We affirm.

This case began after Haleigh Asher tested positive for cocaine at birth. After preliminary proceedings, a petition was filed seeking termination of respondents' parental rights under MCL 712A.19b(3)(g), (j), and (l). The trial court terminated respondent's parental rights based primarily on her long-term substance abuse problem.

Under MCL 712A.19b(3), the petitioner for the termination of parental rights bears the burden of proving at least one ground for termination. *In re Trejo Minors*, 462 Mich 341; 617 NW2d 407 (2000). Once the petitioner has presented clear and convincing evidence that persuades the court that a ground for termination is established, termination of parental rights is mandatory unless the court finds that termination is clearly not in the child's best interests. *Id.*, 355-356. Decisions terminating parental rights are reviewed for clear error. *Id.*, 356.

Respondent does not contest that the statutory grounds for termination were met. She asserts that termination was not in the best interests of the children.

There was evidence to support the trial court's finding regarding the best interests of the children. Respondent had a long-term drug problem that resulted in termination of her parental rights to two other children. There was no indication that continuing treatment would stop her from using drugs again. Given the young ages of the children and their success in foster care, the court did not clearly err in finding that termination was in their best interest.

Affirmed.

/s/ Michael R. Smolenski

/s/ Martin M. Doctoroff

/s/ Donald S. Owens