

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SQAN, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WINFRED NIXON and BEATRIX COOPER,

Respondents-Appellants.

UNPUBLISHED
February 22, 2002

No. 234853
Kent Circuit Court
Family Division
LC No. 93-136306-NA

Before: Griffin, P.J., and Holbrook, Jr., and Hoekstra, JJ.

PER CURIAM.

Respondents appeal as of right from an order of the circuit court terminating their parental rights under MCL 712A.19b(3)(a)(ii), (c)(i), and (g). Respondent mother's rights were also terminated under subsection 19b(3)(i). We affirm.

Once a trial court determines that one or more of the statutory grounds for termination has been established by clear and convincing evidence, the trial court must terminate parental rights unless "there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo Minors*, 462 Mich 341, 354; 612 NW2d 407 (2000). Respondents argue that the court erred in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). We review the family court's findings under the clearly erroneous standard. *In re Trejo, supra* at 358. "A finding is clearly erroneous where the reviewing court is left with a firm and definite conviction that a mistake has been made." *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993).

We conclude that the court did not clearly error in finding convincing evidence to terminate respondents' parental rights. Respondents pleaded no contest to the original petition. In March 2000, the minor child was removed from respondents' care immediately following birth, after the child had tested positive for cocaine. Both respondents had criminal histories involving drug offenses, and respondent mother's parental rights to another child who also tested positive for cocaine at birth were terminated in July 1999.

Addressing their substance abuse problems was a primary focus of respondents' treatment plans. However, the record shows that both respondents made no progress in dealing with their drug problems. Neither respondent supplied a single drug screen, nor did they receive any professional treatment. Moreover, this lack of progress occurred at a time when respondent mother was again pregnant, and within two years after her parental rights were terminated to another child born with cocaine in its system. Additionally, the record shows that while respondents initially minimally complied with some other goals of their treatment plans, by the time of termination both had completely abandoned any participation in treatment. We believe that this lack of progress, particularly the failure to address the continuing cycle of substance abuse, supports the court's findings regarding subsection 19b(3)(c)(i) and (g).

We also reject respondents' argument that termination was not in the child's best interests. No evidence was adduced showing the existence of a parental bond, nor was their evidence that termination would negatively impact the child's development. Given the child's young age, the minimal interaction the child has had with respondents, and the total failure of respondents to address their drug problems or satisfy the other treatment goals, we conclude that the court did not clearly error in affirmatively finding that termination was in the best interests of the child.

Affirmed.

/s/ Richard Allen Griffin
/s/ Donald E. Holbrook, Jr.
/s/ Joel P. Hoekstra