

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of W.J.F., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LINDA JEAN FORMAN,

Respondent-Appellant,

and

WILLIAM JAMES THREATT,

Respondent.

UNPUBLISHED

April 23, 2002

No. 231864

Wayne Circuit Court

Family Division

LC No. 88-269263

Before: Gage, P.J., and Griffin and G. S. Buth*, JJ.

MEMORANDUM.

Respondent appeals the trial court's order terminating her parental rights to her son pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL

¹ The trial court's order also terminated the parental rights of respondent William James Threatt, the child's father. Threatt has not appealed the trial court's order.

* Circuit judge, sitting on the Court of Appeals by assignment.

712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.* at 356-357.

We hold that the trial court did not clearly err in finding that petitioner established one or more statutory grounds for termination of respondent's parental rights. The evidence showed the child was placed in foster care after petitioner learned that respondent left the child alone in unsuitable housing, respondent had a longstanding substance abuse problem, and respondent lacked the means to support the child. Respondent made very little effort to comply with the parent-agent agreement. She visited the child only sporadically and then ceased visiting him entirely. Respondent's circumstances at the time of the termination hearing were unchanged from the time the child entered foster care.

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds of desertion, MCL 712A.19b(3)(a)(ii). The conditions that led to adjudication continued to exist and were not likely to be rectified within a reasonable time considering the child's age, MCL 712A.19b(3)(c)(i). Respondent failed to provide proper care or custody and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g). There was a reasonable likelihood that the child would be harmed if returned to respondent's care, MCL 712A.19b(3)(j). The evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCR 5.974(I); *Trejo, supra*.

Affirmed.

/s/ Hilda R. Gage
/s/ Richard Allen Griffin
/s/ George S. Buth