

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of C.C.V. and C.V., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

WILLIE MARIE TURNER,

Respondent-Appellant,

and

CHARLES VAUGHNS,

Respondent.

UNPUBLISHED

July 19, 2002

No. 234480

Wayne Circuit Court

Family Division

LC No. 99-382227

Before: Talbot, P.J., and Cooper and D.P. Ryan*, JJ.

MEMORANDUM.

Respondent claims an appeal from the trial court's order terminating her parental rights to her children pursuant to MCL 712A.19b(3)(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

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

¹ Respondent's brief erroneously states that her parental rights were also terminated pursuant to MCL 712A.19b(3)(a)(ii) (desertion). The trial court cited this ground in support of its decision terminating the parental rights of respondent Charles Vaughns, the children's father. Respondent Vaughns has not appealed the trial court's order.

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. Petitioner initiated this action because respondent's longstanding substance abuse problem prevented her from taking proper care of the children. Respondent made several attempts to address her addiction, but at the time of the permanent custody hearing she had made no progress. Respondent was unemployed and did not have appropriate housing. The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that the conditions that led to the adjudication continued to exist and were not reasonably likely to be rectified within a reasonable time, MCL 712A.19b(3)(c)(i), that respondent failed to provide proper care or custody for the children and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that it was reasonably likely that the children 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 contrary to the children's best interests. MCR 5.974(I); *Trejo*, *supra*.

Affirmed.

/s/ Michael J. Talbot
/s/ Jessica R. Cooper
/s/ Daniel P. Ryan