

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of K.M.T., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

STEPHANIE LA REE TAYLOR,

Respondent-Appellant.

UNPUBLISHED

July 30, 2002

No. 237125

Macomb Circuit Court

Family Division

LC No. 89-034096-NA

Before: Murray, P.J., and Sawyer and Zahra, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to her child pursuant to MCL 712A.19b(3)(c)(i), (g), (j), and (l).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 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 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 after it received a report that the child was neglected. The evidence at the permanent custody hearing demonstrated that respondent continued to use cocaine, and that although she acknowledged her drug use, she consistently denied that she had a substance abuse problem. She

¹ The trial court's order also terminated the parental rights of the child's father, whose identity is unknown.

was unable to maintain stable housing and employment. Respondent's parental rights to another child had been terminated.

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 and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), that it was reasonably likely that the child would be harmed if returned to respondent's care, MCL 712A.19b(3)(j), and that respondent's parental rights to another child had been terminated, MCL 712A.19b(3)(l). 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).

Respondent's assertion that the supplemental petition that sought termination of her parental rights was insufficient is without merit. The petition incorporated by reference previous petitions and evidence presented in various dispositional hearings. Respondent had adequate notice of the nature of the allegations against her in order to present a defense. No due process violation occurred. See *In re Perry*, 193 Mich App 648, 651; 484 NW2d 768 (1992).

Affirmed.

/s/ Christopher M. Murray

/s/ David H. Sawyer

/s/ Brian K. Zahra