

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of Y.B., K.T., and A.E.J., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHAEL THOMPSON,

Respondent-Appellant,

and

ANDRE EDWARDS,

Respondent.

UNPUBLISHED

July 30, 2002

No. 237664

Genesee Circuit Court

Family Division

LC No. 1995-102699-NA

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

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to her children pursuant to MCL 712A.19b(3)(g), (i), and (j).¹ We affirm.

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.

¹ The trial court's order also terminated the parental rights of respondent Andre Edwards, the father of A.E.J. Petitioner did not seek termination of the parental rights of the fathers of Y.B. and K.T.

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. Contrary to respondent's assertion, the trial court did not terminate her parental rights because she lapsed into drug use on one occasion. The evidence showed that respondent had longstanding addictions to crack cocaine and alcohol, and that she was unable to successfully address those addictions. Her parental rights to five other children were terminated in previous proceedings due to her inability to overcome her addictions. Respondent has not established the trial court's findings that she could not properly care for the children and that they faced a substantial risk of harm if returned to her care were clearly erroneous. *Sours, supra*.

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that she 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), that respondent's parental rights to other children were terminated and that previous attempts to rehabilitate respondent were unsuccessful, MCL 712A.19b(3)(i), 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 not in the children's best interests. MCR 5.974(I).

Affirmed.

/s/ Christopher M. Murray

/s/ David H. Sawyer

/s/ Brian K. Zahra