

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of C.D., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MELANIE DUDEK,

Respondent-Appellant.

UNPUBLISHED

August 27, 2002

No. 238381

Kalamazoo Circuit Court

Family Division

LC No. 09-000259-NA

Before: White, P.J., and Neff and Jansen, JJ.

MEMORANDUM.

Respondent appeals by application for delayed appeal granted from an order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (3)(g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent's sole claim on appeal is that, contrary to the family court's conclusion, it was clearly in the best interests of the child not to terminate respondent's parental rights. When it is established that there exists at least one statutory basis for termination of parental rights, the court must order termination unless it finds from evidence on the record that termination is not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). This Court reviews the best interests decision for clear error. *Id.* A finding is clearly erroneous if the Court is left with a definite and firm conviction that a mistake has been made. *In re Powers Minors*, 244 Mich App 111, 117; 624 NW2d 472 (2000).

On review of the entire record, we cannot conclude that the family court's assessment of the child's best interests was clearly erroneous. The primary concern throughout the proceedings was respondent's substance abuse problem. The evidence that respondent had done well in residential treatment during the fourteen days before the final termination hearing and that she and the child shared a strong bond did not outweigh her failure to overcome her ongoing pattern of relapsing into further cocaine use during the two years this case was pending. At an earlier hearing, respondent was clearly informed that her parental rights would be terminated if she used

cocaine again, and she agreed to abide by that condition as part of her *Adrianson*¹ agreement. She nevertheless used cocaine again later the same month. Respondent was given many opportunities to conquer her addiction without success. The record shows that while she may care deeply for her child, he needs a stable home and she has not demonstrated that she can provide one. As the *Trejo* Court observed, “[t]he court did not clearly err by refusing to further delay permanency for the child[], given the uncertain potential for success and extended duration of respondent’s reunification plan.” 462 Mich at 364.

Affirmed.

/s/ Helene N. White
/s/ Janet T. Neff
/s/ Kathleen Jansen

¹ *In re Adrianson*, 105 Mich App 300; 306 NW2d 487 (1981).