

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of E.V.D.G., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BARBARA J GAINS,

Respondent-Appellant.

UNPUBLISHED

October 29, 2002

No. 238135

Wayne Circuit Court

Family Division

LC No. 99-374163

Before: Hoekstra, P.J., and Wilder and Zahra, JJ.

MEMORANDUM.

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) and (j).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent argues the trial court clearly erred because respondent was in substantial compliance with the parent/agency agreement and had provided negative drug screen results. We disagree. At the time of the trial court's termination order, the child had been in foster care for two and one-half years. Notwithstanding a number of negative drug screenings, respondent continued to have substance abuse problems. Respondent was not consistent in her compliance with random screenings and she failed to provide any evidence that she had completed drug abuse treatment. Respondent admitted to continued alcohol use and to an attempt to produce a negative screening result in June 2001. Petitioner presented evidence of continued drug use. Additionally, respondent failed to obtain suitable housing and had not begun to plan for day care or to reunite with her other children.

Given the evidence of respondent's substance abuse history, her continued failure to substantially comply with the parent/agency agreement and her inability to find suitable housing or to make efforts to care for the minor child or her remaining children, we find that the trial

¹ The father, Eric Rose, voluntarily relinquished his parental rights to the child and is not a party to this appeal.

court did not clearly err in finding that §§ 19b(3)(c)(i) and (g) were both established by clear and convincing evidence. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). Because only one statutory ground is required to terminate parental rights, *In re Trejo*, 462 Mich 341, 350; 612 NW2d 407 (2000), we need not decide whether termination of respondent's parental rights was also warranted under §§ 19b(3)(j). The evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5). *Trejo, supra*, 462 Mich 353-354. Thus the trial court did not err in terminating respondent's parental rights.

Affirmed.

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder

/s/ Brian K. Zahra