

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of K.K.D., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

VENITA DENISE SMITH,

Respondent-Appellant.

UNPUBLISHED

October 29, 2002

No. 238788

Wayne Circuit Court

Family Division

LC No. 92-298956

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 minor child pursuant to MCL 712A.19b(3)(g), (i) & (j).¹ Respondent argues the trial court clearly erred in terminating her parental rights. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

FIA took emergency custody of K.K.D. on the day she was born because cocaine was detected in her system. Respondent admitted to using cocaine while she was in labor. K.K.D. was not the first child born to respondent with cocaine in his system. Parental rights to K.K.D.'s older sibling were terminated, and respondent continued to use cocaine. While respondent enrolled in a substance abuse program she had not completed the program or begun parenting classes at the time of the termination order. Respondent had not demonstrated any ability to remain drug free for any significant period of time. Respondent had three children die while in her custody, one of whom she admits died because of her cocaine abuse. Respondent has had repeated instances of substance abuse relapse.

Given respondent's demonstrated inability to overcome her addiction despite attempts at rehabilitation, her minimal and recent attempts to address her substance abuse problem is insufficient to render clearly erroneous the trial court's finding that respondent would be unable to properly care for K.K.D. within a reasonable time and that the child would be in danger if

¹ The child's father, Kevin Cale, is not a party to this appeal.

returned to respondent's custody. We conclude the trial court did not clearly err in finding that § 19b(3)(g), (i) and (j) were established by clear and convincing evidence. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). The evidence also did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5). *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). 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