

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.A.A., L.M., J.B., and H.B.,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DEBORAH ANN STARLING,

Respondent-Appellant.

UNPUBLISHED
November 12, 2002

No. 240031
Kalamazoo Circuit Court
Family Division
LC No. 95-000089-NA

Before: Griffin, P.J., and Gage and Meter, 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)(c)(i).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.*, 356-357.

We hold that the trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of a statutory ground for the termination of respondent's parental rights. The children were removed from respondent's custody because her longstanding addiction to cocaine rendered her unable to care for them. Respondent's attempts to address her addiction were unsuccessful as she repeatedly relapsed into drug use. Respondent

¹ The trial court's order also terminated the parental rights of non-participating respondents Hollis Barry, the putative father of J.B. and H.B., and Jermaine Alexander, the putative father of J.A.A. Barry and Alexander have not appealed the order. L.M. was placed in the custody of her natural father, whose parental rights were not terminated.

failed to comply with the parent-agency agreement requirements that she obtain suitable housing and a legal source of income. Respondent's circumstances at the time of the permanent custody hearing were unchanged from the time the children were taken into custody. The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the ground that the conditions that led to adjudication continued to exist and were not likely to be rectified within a reasonable time considering the children's ages. MCL 712A.19b(3)(c)(i). The evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo, supra*.

Affirmed.

/s/ Richard Allen Griffin

/s/ Hilda R. Gage

/s/ Patrick M. Meter