

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.M.T., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

YOLANDA YVETTE STRINGER,

Respondent-Appellant.

UNPUBLISHED

November 19, 2002

No. 240173

Wayne Circuit Court

Family Division

LC No. 98-373756

Before: Griffin, P.J., and Gage and Meter, JJ.

MEMORANDUM.

Respondent appeals as of right the order terminating her parental rights. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent's case was referred to protective services when her son tested positive for cocaine at birth. Respondent's parental rights to four other children had been terminated earlier in the year. After a hearing, the court terminated respondent's parental rights under MCL 712A.19b(3)(g), (i), and (j).

Under MCL 712A.19b(3), the petitioner for the termination of parental rights bears the burden of proving a statutory ground for termination. *In re Trejo Minors*, 462 Mich 341; 617 NW2d 407 (2000). Once the petitioner has presented clear and convincing evidence that persuades the court that at least one ground for termination is established, termination of parental rights is mandatory unless the court finds that termination is clearly not in the child's best interests. *Id.* at 355-356. Decisions terminating parental rights are reviewed for clear error. *Id.* at 356.

MCL 712A.19b(3) provides for termination of parental rights when

(g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

* * *

(i) Parental rights to 1 or more siblings of the child have been terminated due to serious and chronic neglect or physical or sexual abuse, and prior attempts to rehabilitate the parents have been unsuccessful.

(j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

There is clear and convincing evidence to support the termination of respondent's parental rights. The evidence established that respondent had a long-term substance abuse problem, and she was not able to provide proper care and custody for the child. Her parental rights to four other children were terminated the same year that this child was born. Those parental rights were terminated due to substance abuse problems and respondent's failure to provide proper care and custody. Where the child tested positive for cocaine at the time of his birth, and respondent had a continuing drug problem, it was reasonably likely that he would be harmed if returned to respondent's custody. There was no evidence that termination was not in the child's best interests.

Affirmed.

/s/ Richard Allen Griffin

/s/ Hilda R. Gage

/s/ Patrick M. Meter