

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of K.J.H. and K.M.H., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KIMBERLY PATRICE HARRIS,

Respondent-Appellant,

and

OTIS JORDAN,

Respondent.

UNPUBLISHED

December 13, 2002

No. 237448

Wayne Circuit Court

Family Division

LC No. 94-316398

Before: Owens, P.J., and Murphy and Cavanagh, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

A petition for temporary custody of the children was first filed in 1994 based on respondent-appellant's drug use and neglect of the children. The court terminated its jurisdiction over the children based on respondent-appellant's successful compliance with her parent-agency agreement. However, respondent-appellant relapsed into drug use, and a new petition was filed alleging respondent-appellant's drug use and neglect of the children. Again, the court's jurisdiction was terminated after respondent-appellant complied with her parent-agency agreement and seemingly successfully treated her drug abuse. However, respondent-appellant once again relapsed into drug use in 1998, resulting in the filing of the petition in the instant case. During the course of the proceedings since 1998, respondent-appellant completed two intensive drug treatment programs. As of the dates of the permanent custody trial on April 16, 2001, and May 14, 2001, respondent-appellant was enrolled in a third drug treatment program after having relapsed in October 2000 and having swung a bat at then twelve-year-old K.J.H. when he became angry at her for relapsing. Respondent-appellant had also failed to complete counseling and parenting classes ordered in December 2000.

Based on the foregoing, the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Donald S. Owens
/s/ William B. Murphy
/s/ Mark J. Cavanagh