

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MICHAEL DE'QUAN SCOTT,
AALIYAH SHANELL SCOTT, A'JANAE
TAWINA TOLTON, MICHELLE TOLTON, and
JAMES JAVONTAE TOLTON, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

UNPUBLISHED
April 22, 2004

v

MICHELLE LOUISE SCOTT,

Respondent-Appellant,

No. 249682
Wayne Circuit Court
Family Division
LC No. 00-394951

and

MICHAEL SLOAN and MICHAEL TOLTON,

Respondents.

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

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c)(i), (g) and (j). We affirm.

Respondent-appellant's parent-agency agreement required that she (1) enroll and complete an in-patient drug treatment program, (2) attend parenting classes, (3) participate in therapy, (4) submit to weekly random drug screens, and (5) obtain suitable housing. Respondent-appellant completed parenting classes, but failed to complete any other aspect of the agreement. She was evicted from the in-patient drug treatment program in which she was enrolled, submitted only seven of fifty-two requested drug screens in 2001, and submitted only two of fifty-two requested screens in 2002. Of the nine submitted screens, six tested positive for drug use. Respondent-appellant did not complete individual counseling and failed to obtain housing. Additionally, after visiting the children on October 15, 2002, respondent-appellant's whereabouts became unknown and she did not contact petitioner or the court until she appeared

before the court on June 17, 2003, the day the court rendered its decision regarding the termination trial from the proceeding month.

Based on the foregoing evidence, we find that the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(G)(3); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Considering respondent-appellant's failure to maintain contact with petitioner in this case from October 2002 to June 2003, the court could properly conclude that she had abandoned the children under § 19b(3)(a)(ii). Also, respondent-appellant's failure to substantially comply with the parent-agency agreement by failing to show that she had overcome her drug abuse and had obtained suitable housing, the conditions that led to the adjudication, justified termination under §§ 19b(3)(c)(i), (g) and (j).

Further, we find that 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 minor children.

Affirmed.

/s/ Mark J. Cavanagh
/s/ William B. Murphy
/s/ Michael R. Smolenski