

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of LEEANN LARKIN, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

SHERI ANN LARKIN,

Respondent-Appellant,

and

EDWARD MCKINLEY JOHNSON,

Respondent.

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UNPUBLISHED

June 15, 2004

No. 251850

Genesee Circuit Court

Family Division

LC No. 01-113615-NA

Before: Sawyer, P.J., and Gage and Owens, JJ.

MEMORANDUM.

Respondent Larkin appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondent was unable to provide proper care and custody due to her substance abuse problem. The return of the child to respondent's custody showed that she made progress at times, but the child's subsequent removal showed that she was unable to maintain that progress. The evidence indicated that respondent was a fit parent when not on drugs. However, she apparently relapsed after completing her initial treatment program and repeatedly failed at drug intervention programs thereafter. She had not visited the child since January and her whereabouts were unknown. The child, who had been in and out of foster care for two of her three years of life, needed permanency and stability.

Accordingly, the trial court did not clearly err in finding that at least one statutory ground for termination had been proved by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Further, the trial court's finding regarding the child's best interests was not clearly erroneous. *In re Trejo Minors*, 462 Mich 341, 354, 356-357; 612 NW2d

407 (2000); MCL 712A.19b(5). Therefore, the trial court did not clearly err in terminating respondent's parental rights. *Trejo, supra* at 356-357.

Affirmed.

/s/ David H. Sawyer

/s/ Hilda R. Gage

/s/ Donald S. Owens