

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JANSON INSCO PLETCHER,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CAROLYN MARIE INSCO,

Respondent-Appellant.

UNPUBLISHED
October 26, 2004

No. 253418
Wayne Circuit Court
Family Division
LC No. 02-412041

Before: Whitbeck, C.J., and Jansen and Bandstra, JJ.

MEMORANDUM.

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

Respondent does not challenge the trial court's findings concerning the statutory grounds for termination but argues only that the trial court clearly erred in terminating her parental rights to the minor child because termination was not in the best interests of the child. Once a statutory ground for termination is established, the court must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000); MCL 712A.19b(5). We review the trial court's determination for clear error. *Id.* at 356-357. A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003), citing *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The testimony established that a bond existed between respondent and the minor child and that respondent acted appropriately during visits with him. However, there was overwhelming evidence establishing that respondent suffered from serious and long-term alcohol abuse and ongoing mental instability, which negatively affected her ability to parent. Despite participation in numerous inpatient and outpatient substance abuse programs and regular attendance at AA/NA meetings, respondent has either been unable or unwilling to complete and/or benefit from the treatment. After participating in intensive treatment programs, respondent reverted back to alcohol use and she continued to abuse alcohol throughout this case,

most recently testing positive for alcohol use twice in the month of the termination trial. Respondent's lengthy history of substance abuse and her lack of progress towards recovery indicated that she would not likely be able to successfully resolve her issues in the future. Given respondent's continuing substance abuse problem, her history of mental instability, and her inability to rehabilitate or follow through with treatment, we find that the evidence did not establish that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5).¹

Affirmed.

/s/ William C. Whitbeck

/s/ Kathleen Jansen

/s/ Richard A. Bandstra

¹ We note that the trial court went beyond the best interests inquiry under MCL 712A.19b(5). The statute does not require that the court affirmatively find that termination is in the children's best interests. *Trejo, supra* at 364 n 19.