

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of COREY WIGFALL BERRY,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DINICEA WIGFALL,

Respondent-Appellant,

and

TURQUISE BERRY,

Respondent.

In the Matter of COREY WIGFALL BERRY,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TURQUISE BERRY,

Respondent-Appellant,

and

DINICEA WIGFALL,

Respondent.

UNPUBLISHED
December 28, 2004

No. 255796
Berrien Circuit Court
Family Division
LC No. 2002-000104-NA

No. 255860
Berrien Circuit Court
Family Division
LC No. 2002-000104-NA

Before: Murphy, P.J., and White and Kelly, JJ.

MEMORANDUM.

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

To terminate parental rights the trial court must find that at least one of the statutory grounds for termination has been met by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). If petitioner has proven at least one ground by clear and convincing evidence, the trial court must terminate parental rights unless it finds termination is clearly not in the child's best interests. *Id.* at 352-353.

The principal condition that led to the adjudication was both respondents' substance abuse. The evidence established that both respondents continued to test positive for drugs and did not complete their required drug abuse treatment programs. Further, although respondents had recently gotten jobs and signed a lease on an apartment, there was no reason to conclude that these jobs and this apartment would be any more permanent than their last ones. The court did not err in finding that at least one statutory ground for termination was established by clear and convincing evidence. Over 182 days had elapsed and the conditions that led to the adjudication continued to exist and there was no reasonable likelihood that the conditions would be rectified within a reasonable time considering the child's age.

Furthermore, the evidence did not show that termination of respondents' parental rights was clearly not in the child's best interests. Although the child seemed to be somewhat bonded to respondent Wigfall, the evidence indicated that he would likely be harmed if returned to either parent's custody because of their substance abuse and their lack of stability. Thus, the trial court did not err in terminating respondents' parental rights to the minor child.

Affirmed.

/s/ William B. Murphy
/s/ Helene N. White
/s/ Kirsten Frank Kelly