

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

October 14, 2010

In the Matter of M.A. DANZY, JR., Minor.

No. 296867

Wayne Circuit Court

Family Division

LC No. 06-456547-NA

Before: FORT HOOD, P.J., and JANSEN and WHITBECK, JJ.

MEMORANDUM.

Respondent mother appeals as of right from the order terminating her parental rights to the minor child under MCL 712A.19b(3)(b)(i), (g), (i), and (j). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

Termination of parental rights requires a finding that at least one of the statutory grounds under MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010); *In re Trejo Minors*, 462 Mich 341, 350, 356-357; 612 NW2d 407 (2000); *In re B & J*, 279 Mich App 12, 17; 756 NW2d 234 (2008). The trial court must then order termination of parental rights if it finds that termination is in the child's best interests. MCL 712A.19b(5). Trial court findings are reviewed for clear error. MCR 3.977(K); *Mason*, 486 Mich at 152; *Trejo*, 462 Mich at 356-357; *B & J*, 279 Mich App at 17. A finding is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake was committed, giving due regard to the trial court's opportunity to observe the witnesses. *Mason*, 486 Mich at 152; *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *B & J*, 279 Mich App at 17-18.

Although respondent did visit the child regularly, stayed off drugs, and progressed in her treatment plan at Naomi's Nest, she had had her rights terminated to one child in August 2008, after she relapsed repeatedly and failed to complete a treatment plan. Three of her children, including the present child, tested positive for cocaine at birth. The trial court properly considered respondent's long history of drug abuse and mental health problems, failed attempts at rehabilitation, and neglect of other children in deciding to terminate her parental rights. *In re Williams*, 286 Mich App 253, 272; 779 NW2d 286 (2009); *In re AH*, 245 Mich App 77, 84; 627 NW2d 33 (2001). The court did not clearly err in finding clear and convincing evidence under MCL 712A.19b(3)(g), (i), and (j).

We also find no clear error in the court's finding that termination was in the child's best interests. MCR 3.977(K); MCL 712A.19b(5). The court could properly find that respondent's

long history of substance abuse and mental health issues, failed attempts at rehabilitation, and neglect of her other children outweighed her current efforts.

Affirmed.

/s/ Karen M. Fort Hood

/s/ Kathleen Jansen

/s/ William C. Whitbeck