

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of FRANK DEVANTE TOSTON,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MELISSA BERDELL TOSTON,

Respondent-Appellant,

and

ROBERT LOUIS BUTLER,

Respondent.

UNPUBLISHED

April 3, 1998

No. 201229

Wayne Juvenile Court

LC No. 93-312364

Before: Bandstra, P.J., and MacKenzie and N.O. Holowka*, JJ.

PER CURIAM.

Respondent Melissa Toston (“respondent”) appeals as of right from the juvenile court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(c)(i), (g) and (j). We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E).

The juvenile court did not clearly err in finding that the statutory grounds for terminating respondent’s parental rights were established by clear and convincing evidence. *In re Hamlet (After Remand)*, 225 Mich App 505, 515; 571 NW2d 750 (1997). At the time the child was born, he tested positive for cocaine. He was taken into protective custody and placed in foster care. Respondent

* Circuit judge, sitting on the Court of Appeals by assignment.

entered into a parent-agency agreement in which she agreed to become drug-free, learn parenting skills, and remain active in the court process. Over the course of the following eighteen months, respondent dropped out of a drug-treatment “aftercare” program, tested positive for marijuana, admitted she had used drugs and alcohol, was incarcerated for two months on drug-related charges, told a social worker that there were outstanding warrants for her arrest, demonstrated no improvement from her parenting class, and did not appear for at least three proceedings, including the permanent custody trial.

Moreover, the juvenile court did not clearly err in terminating respondent’s parental rights because she failed to show that termination was not in the child’s best interests. MCL 712A.19(b)(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997).

We affirm.

/s/ Richard A. Bandstra
/s/ Barbara B. MacKenzie
/s/ Nick O. Holowka