

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KENYATTA MAURICE
CUNNINGHAM, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOHN DAVID CUNNINGHAM and JOHNETTA
DARIAN FOXX,

Respondents-Appellants.

UNPUBLISHED

December 8, 1998

Nos. 205665; 206485

Wayne Juvenile Court

LC No. 95-331191

Before: Sawyer, P.J., and Wahls and Hoekstra, JJ.

MEMORANDUM.

Respondent John Cunningham appeals as of right, and respondent Johnetta Foxx appeals by delayed leave granted, from the juvenile court order terminating their parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(c)(i), (g) and (j). We affirm.

The juvenile court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence with respect to both respondents. See MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence indicated that respondents failed to complete the terms of their parent-agency agreements, or make significant progress in treatment, during the 1½ year period that this matter was pending before the juvenile court. In particular, both respondents had severe substance abuse problems, which they failed to adequately address in treatment. Although respondents were enrolled in treatment at the time of the termination hearing, they had not yet shown significant progress in treatment and neither respondent had yet completed a parenting course. On the basis of the evidence presented, it was not reasonably likely that respondents would be able to properly care for their child within a reasonable period of time, considering her age.

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

Affirmed.

/s/ David H. Sawyer

/s/ Myron H. Wahls

/s/ Joel P. Hoekstra