

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

In the matter of JANELL ASHLEY ASHFORD,  
LATRECE PAMELA ASHFORD, and JENNIFER  
IESHA PAIGE-ASHFORD, Minors.

---

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CYNTHIA ASHFORD,

Respondent-Appellant,

and

DARYL RODGERS,

Respondent.

---

UNPUBLISHED

June 16, 2000

No. 218438

Wayne Circuit Court

Family Division

LC No. 97-361078

Before: Hoekstra, P.J., and Holbrook, Jr., and Zahra, JJ.

PER CURIAM.

Respondent-mother appeals as of right the order terminating her parental rights to her three children 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 Family Independence Agency filed a petition for temporary wardship alleging neglect of the minor children. The court granted the petition and made the children temporary wards of the court.

After two custody hearings, the court terminated respondent's parental rights after it determined that she had a long-term, serious drug problem, and failed to comply with the parent/agency treatment plans.<sup>1</sup>

Respondent-mother first argues that the trial court erred in terminating her parental rights because the statutory basis for termination was not established by clear and convincing evidence. We disagree. On appeal from termination of parental rights proceedings, this Court reviews the family court's decision under the clearly erroneous standard. *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999). If permanent termination of parental rights is sought, the petitioner bears the burden of showing a statutory basis for termination by clear and convincing evidence. *In re Hamlet (After Remand)*, 225 Mich App 505, 522; 571 NW2d 750 (1997). Once a statutory ground for termination of parental rights is established, the court must terminate parental rights unless it finds that termination of the child's parental rights is clearly not in the child's best interest. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472; 564 NW2d 156 (1997). The burden of going forward with evidence that termination is clearly not in the child's best interests rests with the respondent. *Id.* at 473.

After reviewing the record, we conclude that there was clear and convincing evidence to support the termination of parental rights. Respondent-mother clearly failed to substantially and consistently comply with the case plan or make sufficient progress to allow the children to be safely returned to her care. MCL 712A.19b(3)(c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(c)(i), (g) and (j). Further, respondent-mother failed to put forth any evidence that the termination of parental rights is clearly not in the best interests of the children. *In re Boursaw*, 239 Mich App 161, 180; 607 NW2d 408 (2000).

Respondent-mother also argues that the referee acted illegally when he suspended her visitation with the minor children. Again, we disagree. Given respondent-mother's failure to address her substance abuse problem at the time of the initial hearing, we believe the court properly suspended visitation pursuant to MCL 712A.18f; MSA 28.3178(598.18f).

Affirmed.

/s/ Joel P. Hoekstra  
/s/ Donald E. Holbrook, Jr.  
/s/ Brian K. Zahra

---

<sup>1</sup> Respondent Rodgers waived his rights to notice, and does not contest the termination of his parental rights.