

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHARVAE ARIELLE STAPLES,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

UNPUBLISHED
November 28, 2000

v

LATASHA MINYARD STAPLES,

Respondent-Appellant,

No. 225288
Wayne Circuit Court
Family Division
LC No. 89-280217

and

RICKEY ALLEN,

Respondent.

Before: Collins, P.J., and Jansen and Whitbeck, JJ.

PER CURIAM.

Respondent-mother¹ appeals as of right from a January 10, 2000, order of the family court terminating her parental rights to the child² (born November 10, 1990) pursuant to MCL 712A.19b(3)(a)(ii), (b)(ii), (c)(i), (g), (i), and (j); MSA 27.3178(598.19b)(3)(a)(ii), (b)(ii), (c)(i), (g), (i), and (j). We affirm.

Contrary to respondent-mother's sole assertion on appeal, the family court did not clearly err in terminating her parental rights to the child because there was clear and convincing evidence in the record to support termination under MCL 712A.19b(3)(a)(ii), (g), (i), and (j);

¹ The parental rights to the alleged father, Rickey Allen, were terminated in the same order. He has denied being the biological father of the child and is not appealing from the order.

² Respondent-mother has three other children, and the youngest child was made a permanent court ward in April of 1994.

MSA 27.3178(598.19b)(3)(a)(ii), (g), (i), and (j).³ *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(3); MSA 27.3178(598.19b)(3); MCR 5.974(F)(3), (I). Here, respondent-mother had not had custody of the child since the child was three years old, there was no evidence that she supported the child, she had no plan to provide for the child, she never signed a parent-agency agreement, she never underwent substance abuse assessments or treatment, she did not attend counseling, she attended two or three parenting classes, she failed to attend three court hearings, she was incarcerated from October 15, 1999 until December 23, 1999, and another child became a permanent court ward in 1994. Additionally, the only evidence of employment was respondent-mother's testimony that she began working at a temporary services agency immediately after her incarceration. Therefore, there was little, if any, evidence of progress made by respondent-mother to regain custody of the child.

Further, we find that the court's determination that termination of respondent-mother's parental rights was clearly not contrary to the best interests of the child is not clearly erroneous. *In re Trejo Minors*, *supra*, p 354; MCL 712A.19b(5); MSA 27.3178(598.19b)(5).

Affirmed.

/s/ Jeffrey G. Collins

/s/ Kathleen Jansen

/s/ William C. Whitbeck

³ Petitioner concedes in its appellate brief that the court erred in relying on subsection 19b(3)(c)(i) because only five months, as opposed to the required six months, passed from the issuance of the initial dispositional order to the order terminating parental rights. Further, we do not believe that subsection 19b(3)(b)(ii) applies because the record does not indicate that respondent-mother had the opportunity to prevent the physical abuse to the child inflicted by the father and legal guardian since she never had custody or any type of control over the child. In any event, only one statutory provision need be established by clear and convincing evidence to justify termination of parental rights. MCL 712A.19b(3); MSA 27.3178(598.19b)(3).