

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of REALNODA ARMSTRONG,  
Minor.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

v

RANODA DENISE PERRY,  
  
Respondent-Appellant.

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UNPUBLISHED  
December 1, 2000

No. 227464  
Wayne Circuit Court  
Family Division  
LC No. 98-362778

Before: Zahra, P.J., and Hood and McDonald, JJ.

MEMORANDUM.

Respondent mother appeals as of right the trial court's order terminating her parental rights to her minor daughter pursuant to MCL 712A.19b(3)(g) and (i); MSA 27.3178(598.19b)(3)(g) and (i). We affirm.

We review for clear error both the court's decision that a ground for termination has been proven by clear and convincing evidence and, where appropriate, the court's decision regarding the child's best interest. *In re Trejo minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). We find that the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *Sours, supra* at 633. Moreover, the trial court's decision regarding the child's best interest was not clearly erroneous. The evidence did not show that termination was clearly not in the child's best interest. MCL 712A.19b(5); MSA 27.3178 (598.19b)(5); *In re Trejo, supra*.

We also reject respondent's argument that the trial court improperly assumed jurisdiction over the baby. The fact that respondent's parental rights to her four older children had been terminated involuntarily was sufficient to support the trial court's assumption of jurisdiction under the doctrine of anticipatory neglect. *In re Powers*, 208 Mich App 582, 588-593; 528 NW2d 799 (1995); *In re Dittrick*, 80 Mich App 219, 222-223; 263 NW2d 37 (1977). Moreover, respondent's conduct while pregnant, including her use of crack cocaine and failure to obtain prenatal care, was also an appropriate basis for assuming jurisdiction. *In re Baby X*, 97 Mich App 111, 116; 293 NW2d 736 (1980). We disagree with respondent that this Court's holding in

*Baby X* can be distinguished based on the facts of this case. The baby tested positive for cocaine at birth and respondent admitted using crack cocaine during the pregnancy. It is of no consequence that there was no evidence specifically addressing whether the baby suffered withdrawal symptoms.

Affirmed.

/s/ Brian K. Zahra

/s/ Harold Hood

/s/ Gary R. McDonald