

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JYWANNA DENISE STEWART,
JAMES ANTHONY STEWART, and DUWAYNE
ANTONIO LEGETTE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WANDA DENISE LEGETTE,

Respondent-Appellant,

and

JAMES STEWART,

Respondent.

UNPUBLISHED
February 27, 2001

No. 224443
Wayne Circuit Court
Family Division
LC No. 95-328160

Before: Smolenski, P.J., and Jansen and Fitzgerald, JJ.

MEMORANDUM.

Respondent-appellant Wanda Legette appeals as of right from an order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(a)(i), (c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(a)(i), (c)(i), (g) and (j). We affirm.

In a termination hearing, the petitioner bears the burden of demonstrating a statutory basis for termination by clear and convincing evidence. MCR 5.974(F)(3). The petitioner need only establish one statutory ground for termination. *In re Trejo Minors*, 462 Mich 341, 360; 612 NW2d 407 (2000). This Court reviews for clear error the trial court's decision that a ground for termination has been proven by clear and convincing evidence. *Id.* at 356-357; MCR 5.974(I). "A finding is 'clearly erroneous' [if] although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989), quoting *In re Riffe*, 147 Mich App 658, 671; 382 NW2d 842 (1985).

We do not believe that the lower court clearly erred in terminating appellant's parental rights. Appellant admitted smoking marijuana laced with cocaine while pregnant with James, and both James and Jywanna had cocaine in their systems at birth. Although the lower court ordered appellant to submit to a drug abuse assessment and to provide random drug screens, appellant failed to comply. The record also supports a finding that appellant lacked suitable housing for the children. Finally, appellant failed to exercise consistent visitation with the two older children while they were placed in foster care. Accordingly, we conclude that the lower court properly found clear and convincing evidence that a statutory basis for termination existed.

Affirmed.

/s/ Michael R. Smolenski
/s/ Kathleen Jansen
/s/ E. Thomas Fitzgerald