

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of RCM, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DELISA L. FLEMING,

Respondent-Appellant,

and

RICHARD CARL MASON,

Respondent.

UNPUBLISHED

March 30, 2001

No. 226915

Wayne Circuit Court

Family Division

LC No. 92-304822

Before: Markey, P.J., and Jansen and Zahra, JJ.

MEMORANDUM.

Respondent-appellant appeals by right the trial court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (i), and (j); MSA 27.3178(598.19b)(3)(g), (i), and (j). We affirm.

The court's factual findings were supported by the evidence and, thus, were not clearly erroneous. *In re Vasquez*, 199 Mich App 44, 51; 501 NW2d 231 (1993); see, also, MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the trial court did not clearly err in finding that at least one statutory ground was established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 350, 352, 356-357; 612 NW2d 407 (2000). Respondent-appellant has a long history of untreated drug use. Although she had been offered substance abuse treatment several times, she has failed to address her problem. As a result, appellant's parental rights to six other children were terminated. With full knowledge of the consequences of her actions, appellant again used cocaine during her pregnancy with the instant minor child who tested positive for cocaine at birth. Appellant is unable to provide a drug-free environment

for her child. Further, the evidence did not establish that termination was clearly not in the child's best interests. *Id.* at 357. In fact, in its termination order, the court went beyond the statutory best interest inquiry by concluding that termination *was* in the child's best interests. *Id.* The trial court did not err in terminating appellant's parental rights to the child.

We affirm.

/s/ Jane E. Markey
/s/ Kathleen Jansen
/s/ Brian K. Zahra