

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BNW, KJW, SMW, and DW,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHIRLEY WHITE,

Respondent-Appellant,

and

BILLY JEROME WILLIAMS and DARIUS
LATHAM,

Respondents.

UNPUBLISHED

February 8, 2002

No. 231609

Wayne Circuit Court

Family Division

LC No. 87-263065

In the Matter of BNW, KJW, SMW, and DW,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BILLY JEROME WILLIAMS,

Respondent-Appellant,

and

SHIRLEY LOUISE WHITE and DARIUS
LATHAM,

Respondents.

No. 231733

Wayne Circuit Court

Family Division

LC No. 87-263065

Before: White, P.J., and Whitbeck, C.J., and Holbrook, Jr., J.

PER CURIAM.

In these consolidated appeals, respondent-mother Shirley White appeals as of right the termination of her parental rights to four minor children: BNW, dob 11-27-83, KJW, dob 2-22-89, SMW, dob 2-15-90, and DW, dob 2-26-99 (No. 231609). Respondent-father Billy J. Williams appeals as of right the termination of his parental rights to three¹ minor children: DW, KJW, and SMW (No. 231733). BNW's father, Darius Latham, is not a party to these appeals. We affirm.

The court terminated respondent parents' rights under MCL 712A.19b(3)(a)(ii), (c)(i), (g) and (j). "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*, 462 Mich 341, 357; 612 NW2d 407 (2000). Only one statutory ground need be established by clear and convincing evidence to justify termination of parental rights. *Id.* at 360. A court may terminate parental rights despite a parent's partial compliance with the parent-agency agreement. See, e.g., *Trejo*, *supra* at 360-364.

Respondent-mother did not submit drug screens as required under the treatment plan, continued to use drugs, and did not have a suitable home or legal source of income. Although she testified that she had just signed up for another in-patient substance abuse program and would be ready to have the children within one year, she had attended at least five other such programs in the past. Respondent-mother's argument on appeal is that the court erred in finding that one year was not a reasonable time considering the age of the children, but she cites no cases in support. Under the circumstances that the children had been made temporary court wards in April and June 1999, that three of the four children had special needs, that respondent admittedly used crack-cocaine in October 2000 while trial was ongoing, and had a long history of drug use despite repeated treatment for substance abuse, we conclude that the family court finding that there was clear and convincing evidence that termination was warranted under subsection 19b(3)(c)(i) did not constitute clear error. Respondent-mother does not argue that termination was not in the children's best interests.

Respondent-father did not submit weekly drug screens as required under the treatment plan; some of the drug screens were positive for drugs and he provided no documentation to support that those results were caused by medication he was taking; he testified he was receiving disability benefits but did not provide documentation regarding his income; and did not, until the last day of trial on October 6, 2000, raise that a sister-in-law could assist him in caring for the children. Under these circumstances, we conclude that the family court finding that there was clear and convincing evidence that termination was warranted under subsection 19b(3)(g) did not

¹ However, at trial on October 6, 2000, Williams stated he had recently learned DW was not his biological child. No one was identified as DW's father.

constitute clear error. Respondent-father does not argue that termination was not in the children's best interests.

Affirmed.

/s/ Helene N. White

/s/ William C. Whitbeck

/s/ Donald E. Holbrook, Jr.