

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of N.I. and M.I., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LAURIE KOKERELIS INFANTE,

Respondent-Appellant.

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UNPUBLISHED

July 12, 2002

No. 236265

Wayne Circuit Court

Family Division

LC No. 89-277956

Before: Hood, P.J., and Saad, and E. M. Thomas\*, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to her children pursuant to MCL 712A.19b(3)(a)(ii), (g), (i), (j), and (k)(i).<sup>1</sup> We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

We hold that the trial court did not clearly err in finding that petitioner established one or more statutory grounds for termination of respondent's parental rights. Petitioner initiated this action after respondent failed to provide food for the children and failed to take steps to address her longstanding substance abuse problem. Respondent did not visit with or contact the children

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<sup>1</sup> The trial court did not terminate the parental rights of Robert Infante, the children's father. The children were placed in his custody.

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\* Circuit judge, sitting on the Court of Appeals by assignment.

after they were removed from her custody. Respondent did not appear for the permanent custody hearing. Her whereabouts were unknown at that time. The evidence showed that respondent's parental rights to two other children were terminated in 1990 in part because respondent could not provide proper care or custody of the children due to her substance abuse problem. The undisputed evidence showed that respondent's circumstances at the time of the permanent custody hearing had not improved from the date the children were removed from her custody.

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds of desertion, MCL 712A.19b(3)(a)(ii), that respondent failed to provide proper care or custody, and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), that respondent's parental rights to other children had been terminated and prior attempts to rehabilitate respondent were unsuccessful, MCL 712A.19b(3)(i), that it was reasonably likely that the children would be harmed if returned to respondent's care, MCL 712A.19b(3)(j), and that respondent committed abuse by abandonment, MCL 712A.19b(3)(k)(i). The evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCR 5.974(I); *Trejo, supra*.

Affirmed.

/s/ Harold Hood  
/s/ Henry William Saad  
/s/ Edward M. Thomas