

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of M.W.K.L. and G.E.T., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOYCE LUCILLE LEE,

Respondent-Appellant.

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UNPUBLISHED

March 25, 2003

No. 240943

Wayne Circuit Court

Family Division

LC No. 01-395663

Before: O'Connell, P.J., and Fitzgerald and Murray, 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)(c)(i) (conditions that led to adjudication continue to exist), (g) (failure to provide proper care or custody), and (j) (likelihood that child will be harmed if returned to parent).<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.* at 356-357.

The trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights. Respondent's children were removed from her custody because the home was unfit and because she had a longstanding substance abuse problem. Respondent made only minimal effort to comply with the parent-agency agreement. She completed parenting

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<sup>1</sup> The children's father is deceased.

classes and visited the children, but failed to obtain suitable housing and employment. Respondent made no progress in addressing her substance abuse problem. She entered a substance abuse treatment program only after petitioner sought to terminate her parental rights. She continued to use drugs while undergoing treatment, and tested positive for cocaine, marijuana, and opiates during the permanent custody hearing. Respondent's circumstances at the time of the permanent custody hearing were essentially unchanged from the time that the children were removed.

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that the conditions that led to the adjudication continued to exist and were unlikely to be rectified within a reasonable time, MCL 712A.19b(3)(c)(i), that respondent failed to provide proper care or custody for the children and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that it was reasonably likely that the children would be harmed if they were returned to respondent's custody, MCL 712A.19b(3)(j). Further, the evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo, supra*.

Affirmed.

/s/ Peter D. O'Connell

/s/ E. Thomas Fitzgerald

/s/ Christopher M. Murray