

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ROBERT GIVENS, DEQUNTAY SMITH, PRAYONNA SMITH, BRAYONNA SMITH, ISAIAH MASON, and TEEONA WRIGHT, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

PHYLLIS JEAN WRIGHT,

Respondent-Appellant,

and

ADAM GIVENS and DENNIS SMITH,

Respondents.

UNPUBLISHED

June 12, 2007

No. 275232

Genesee Circuit Court

Family Division

LC No. 94-099182-NA

Before: Fitzgerald, P.J., and Sawyer and O'Connell, JJ.

MEMORANDUM.

Respondent Phyllis Wright appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(g), (i), and (j). We affirm.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). If the court determines that a statutory ground for termination has been established, the court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). We review the trial court's decision for clear error. *Id.*, p 356-357; *In re Sours, supra* at 633.

The trial court did not clearly err in finding that the statutory grounds for termination were proven by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Respondent has a lengthy history of substance abuse that resulted in the termination

of her parental rights to four other children in 1996. See *In re Wright*, unpublished memorandum opinion of the Court of Appeals, issued May 8, 1998 (Docket No. 198002). Substance abuse was the primary reason for the termination of her parental rights in the present case as well. Respondent admitted using crack cocaine less than two months after the birth of her youngest child and was living in a home where the electricity had been shut off, and the water was scheduled to be shut off. On the first unsupervised weekend visit with the children in April 2006, she left them at home with respondent Smith, stayed out all night, and used drugs. Despite stern warnings from the court about the consequences of a positive drug screen, she repeatedly chose to use drugs. Although respondent had periods where she was drug-free, her admitted usage within 90 days of the termination hearing and the positive drug screen less than five weeks before the hearing support the referee's findings with respect to the statutory grounds for termination.

Further, in light of respondent's longstanding substance abuse problem and unsuccessful attempts at rehabilitation, the referee did not clearly err in determining that termination of respondent's parental rights was not clearly contrary to the children's best interests.

Affirmed.

/s/ E. Thomas Fitzgerald
/s/ David H. Sawyer
/s/ Peter D. O'Connell