

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CHEYENNE EBONY RILEY, a
Minor.

DEPARTMENT OF SOCIAL SERVICES

Petitioner-Appellee,

v

CHERYL MARIE EXUM,

Respondent-Appellant,

and

LEVERTIS RILEY, JR.,

Respondent.

UNPUBLISHED

January 28, 1997

No. 185482

Wayne Probate Court

LC No. 93-308578

Before: Doctoroff, P.J., and Hood and Paul J. Sullivan,* JJ.

MEMORANDUM.

On July 13 ,1994, respondent's¹ parental rights as to the minor child, Cheyenne Ebony Riley, were terminated by the Wayne County Probate Court. Respondent now appeals by leave granted, arguing that there was insufficient evidence to terminate her rights under the statutes relied on by petitioner. We disagree and affirm.

Respondent mother's parental rights were terminated pursuant to MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i) (conditions leading to temporary court custody continue to exist), (c)(ii) (other conditions exist), and (g) (parental failure and inability to provide proper care). The

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

probate court repeatedly informed respondent that, in order to retain parental rights, she was to end her relationship with the child's father, establish an independent suitable home and remain drug free. Despite these warnings, respondent's situation did not improve, but deteriorated. Respondent continued to have relations with the child's father who, between hearings on this matter, was arrested on a charge of possession of more than 650 grams of cocaine with intent to deliver. In addition, in four consecutive drug tests, respondent tested positive for cocaine. Previous to this, respondent had tested positive only for marijuana use. This indicates a significant increase in the seriousness of respondent's drug problem. Based on this evidence, we find that there was clear and convincing evidence that the statutory grounds existed for terminating respondent's parental rights. Accordingly, the probate court did not abuse its discretion in terminating respondent's parental rights as to the minor child.

Affirmed.

/s/ Martin M. Doctoroff

/s/ Harold Hood

/s/ Paul J. Sullivan

¹ Respondent Levertis Riley, Jr. does not appeal the termination of his parental rights. Thus, "respondent" in this opinion will refer only to Cheryl Marie Exum.