

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In re PATRICE CHARLES and KEISHA  
ELAINE CHARLES, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PAMELA A. CHARLES,

Respondent-Appellant,

and

JOSEPH WILSON,

Respondent.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOSEPH WILSON,

Respondent-Appellant,

and

PAMELA A. CHARLES,

Respondent.

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UNPUBLISHED

June 27, 1997

No. 196504

Wayne Juvenile Court

LC No. 94-313932

No. 197912

Wayne Juvenile Court

LC No. 94-313932

Before: White, P.J., and Bandstra and Smolenski, JJ.

PER CURIAM.

Respondents appeal as of right from the juvenile court order that terminated their parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j); MSA 27.3178(598.19b)(3)(c)(i), (g), and (j). We affirm the order terminating respondent-mother's parental rights and reverse the order terminating respondent-father's parental rights.

On appeal from termination of parental rights proceedings, this Court reviews the probate court's findings of fact under the clearly erroneous standard. *In re Conley*, 216 Mich App 41, 42; 549 NW2d 353 (1996). Once the probate court finds that at least one statutory ground for termination is supported by clear and convincing evidence, the court must terminate the respondent's parental rights unless the respondent can show that termination is clearly not in the child's best interests. *In re Hall-Smith*, \_\_\_ Mich App \_\_\_; \_\_\_ NW2d \_\_\_ (Docket No. 195833, issued 3/25/97), slip op, pp 2-3. Thus, the decision to terminate is nondiscretionary and is reviewed for clear error. *Id.* at 2. A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re Conley, supra*.

First, we conclude that there was clear and convincing evidence warranting termination of respondent-mother's parental rights under the above statutory provisions. Her failure to fully resolve her substance abuse problem provided clear and convincing evidence supporting the statutory bases for termination. Respondent-mother failed to show that termination of her parental rights was clearly not in the children's best interests.

However, petitioner did not present clear and convincing evidence that respondent-father's parental rights should have been terminated under the above statutory provisions. The conditions that led to the adjudication involved respondent-mother's neglect and abuse of the children in addition to her drug problem. The initial petition in this matter as well as the pretrial hearing transcript indicate that respondent-father supported and visited the children. Although respondent-father did not adequately visit the children when they were in foster care, the evidence showed that respondent-father did frequently visit his children while they were in relative placement. Further, there were extenuating circumstances that prevented him from visiting his children for part of the time they were in foster care. The fact that respondent-father failed to complete a drug and alcohol assessment and the fact that he was currently laid off did not provide clear and convincing evidence warranting termination given the evidence that he had a job lined up and the lack of evidence that he had a substance abuse problem. In sum, petitioner failed in its burden of proof with respect to respondent-father. Accordingly, we reverse the order terminating respondent-father's parental rights.

The order terminating respondent-mother's parental rights is affirmed; the order terminating respondent-father's parental rights is reversed.

/s/ Helene N. White  
/s/ Richard A. Bandstra  
/s/ Michael R. Smolenski