

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MONTEZ MAYRON HICKS,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROSE MARIE GREELEY,

Respondent-Appellant,

and

ANTONIO MYRON HICKS,

Respondent.

UNPUBLISHED

June 17, 2003

No. 241788

Wayne Circuit Court

Family Division

LC No. 92-298362

Before: Sawyer, P.J., and Meter and Schuette, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from an order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J), formerly MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence demonstrated that the child was removed from respondent-appellant's care after officers discovered that respondent and the child's father were selling cocaine from the home they shared with the child. Although the criminal charges against the respondent were dismissed, and respondent obtained a restraining order against the child's father, respondent-appellant failed to otherwise substantially comply with the parent-agency agreement. Respondent-appellant was to have submitted to a drug assessment and random drug testing, obtain suitable housing, obtain a legal source of income, visit with the child, and attend individual therapy. Respondent-appellant was able to obtain housing only weeks before the termination hearing, but she did not otherwise substantially comply with the parent-agency agreement. Respondent-appellant admitted that she could not

keep regular employment and attributed that to a bad back, but respondent-appellant failed to provide the trial court with proof of a disability. Respondent-appellant failed to undergo a drug assessment and did not comply with the requirement that she submit to weekly random drug testing. Most importantly, respondent-appellant failed to consistently visit the child before visitation was suspended.

Additionally, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although respondent-appellant had completed some parenting classes and her visits with the child were appropriate, her failure to comply with much of the parent-agency agreement demonstrated an inability to provide the child with proper care or custody.

Affirmed.

/s/ David H. Sawyer

/s/ Patrick M. Meter

/s/ Bill Schuette