

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of STERLING DWAYNE WILSON,
and LYNETTE WILSON, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

STERLING DWAYNE WILSON,

Respondent-Appellant.

UNPUBLISHED

January 8, 2004

No. 248383

Wayne Circuit Court

Family Division

LC No. 00-395019

Before: Donofrio, P.J., and Griffin and Jansen, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 5.974(I), now MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that petitioner established the existence of one or more statutory grounds for termination by clear and convincing evidence, then the trial court must terminate respondent's parental rights unless it determines that to do so is clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review for clear error the trial court's decision with regard to the children's best interests. *Id.* at 356-357.

The trial court did not clearly err in finding that the statutory grounds for termination were established by the requisite clear and convincing evidence. Respondent's pervasive substance abuse was among the causes that led to the court assumption of jurisdiction over the minor children. At the time of trial, respondent resided in-patient at a drug treatment facility and was still trying to overcome his addiction. Indeed, evidence adduced at trial revealed that, since his children became temporary wards of the court, respondent consistently lived in one drug treatment facility or another, had not successfully completed any treatment program, had relapsed at least twice during treatment programs, and had five months remaining in his most current treatment program before he could be successfully discharged and resume full-time

custody of his children. Respondent, himself, testified that he “really [didn’t] know” whether the stress of raising his two children would trigger another relapse.

In addition, during the children’s temporary wardship, respondent neither maintained a suitable independent residence nor earned an income sufficient to support his family. Respondent also acknowledged that he did not have any formal training, and had not requested any, to tend to his children’s special health needs. Considering the evidence and testimony presented upon the whole record, the trial court did not clearly err in finding that that the statutory grounds for termination had been established.

Further, the evidence did not demonstrate that termination of respondent’s parental rights was antithetical to the children’s best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357. While it was clear that respondent loves his children, his chronic substance abuse remains an impediment to his ability to effectively parent and care for them. Accordingly, the trial court did not err in terminating respondent’s parental rights to his minor children.

Affirmed.

/s/ Pat M. Donofrio
/s/ Richard Allen Griffin
/s/ Kathleen Jansen