

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of YAZMINE SWEENEY,
JASMINE SWEENEY, DESMINE SWEENEY,
and CHARISMA SWEENEY, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
October 24, 2006

Petitioner-Appellee,

v

CRYSTAL LATRICE PALMER,

Respondent-Appellant,

and

FATE ANTHONY SWEENEY,

Respondent.

No. 267072
Wayne Circuit Court
Family Division
LC No. 03-424312-NA

Before: Whitbeck, C.J., and Hoekstra and Wilder, JJ.

PER CURIAM.

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

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); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Yazmine and Jasmine became court wards in January 2004 based on environmental neglect and drug use. The father had been arrested for selling drugs out of the home, and the home was in deplorable condition, with no running water and a foul odor. The conditions of Palmer's treatment plan included weekly family visits, safe and suitable housing, a legal source of income, weekly random drug screens, substance abuse treatment, parenting classes, a Clinic for Child Study assessment, and individual therapy. The parents were substantially in compliance with their treatment plan when Desmine was born on March 6, 2004. Continued efforts resulted in Jasmine and Yazmine being returned to their care in August 2004,

and the trial court continued jurisdiction and ordered intensive in-home services in addition to the previous orders. By November 2004 the parents became noncompliant. They did not submit to random drug screens as ordered, and they were not participating in the in-home services. Despite several warnings that their children would be taken away again, the parents continued to fail to comply with drug screens and in-home counseling. The two older children were removed once again in January 2005. Desmine was made a ward in May 2005, based on the parents' failure to comply with their treatment plan. Charisma was made a ward in July 2005 after she tested positive for cocaine at birth. A termination petition was not immediately filed. The court and workers continued to offer the parents services and were hoping for reunification. Still, the parents remained noncompliant.

On our review of the record, and even assuming that housing and income were no longer issues in the case, the trial court properly terminated Palmer's parental rights based on her continued noncompliance with the parent-agency agreement and continued drug use. Palmer was required to submit to 34 drug screens in 2004, but she actually submitted only 16. One of these screens was positive for marijuana. In 2005, Palmer was required to submit to 39 drug screens but submitted only 13, six of which were positive for marijuana. In addition, Charisma was born testing positive for cocaine in 2005. Thus, it is plain that Palmer did not benefit from the drug program she completed in 2003, and the trial court did not clearly err in concluding that Palmer's drug use warranted termination under subsection (c)(i). Since termination need be supported by only one statutory ground, *In re SD*, 236 Mich App 240, 247; 599 NW2d 772 (1999), we need not address Palmer's remaining claims of error regarding the statutory grounds for termination.

The trial court also did not clearly err in determining that termination of Palmer's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although Palmer was clearly bonded with the children, the children were constantly subject to removal from Palmer's home due to her continued noncompliance with the parent-agency agreement. The trial court did not err in determining that it was in the children's best interests to provide permanence and stability.

Affirmed.

/s/ William C. Whitbeck

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder