

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANGELA BARTLOMIEJ,
DOUGLAS BARTLOMIEJ and JEREMY
BARTLOMIEJ, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LINDA BARTLOMIEJ,

Respondent-Appellant,

and

DOUGLAS BARTLOMIEJ,

Respondent.

UNPUBLISHED

June 5, 2001

No. 228281

Macomb Circuit Court

Family Division

LC No. 81-027050-NA

Before: McDonald, P.J., and Smolenski and K. F. Kelly, JJ.

MEMORANDUM.

Respondent-appellant appeals by delayed leave granted from the family court order terminating her 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.

Where termination of parental rights is sought, the existence of a statutory ground for termination must be established by clear and convincing evidence. MCR 5.974(A), (F)(3); *In re Bedwell*, 160 Mich App 168, 173; 408 NW2d 65 (1987); see also MCL 712A19b(1); MSA 27.3178(598.19b)(1). The trial court's findings of fact are reviewed for clear error. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court finds at least one statutory ground for termination has been established by clear and convincing evidence, the trial court must terminate parental rights unless to do so is clearly not in the child's best interest. *In re Trejo Minors*, 462 Mich 341, 351; 612 NW2d 407 (1999).

The family court did not clearly err by finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974; *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The original petition, filed in September 1998, alleged that respondent's family had a history with Protective Services dating back to 1980, due to abuse and neglect. The family was investigated on twenty-five different occasions with five substantiations of neglect and/or abuse. Four petitions for removal were filed. Three of the children were previously in foster care. In August, 1998, a referral was received alleging that the respondent was evicted and homeless. On September 4, 1998, another referral was received that respondent was addicted to crack cocaine and neglecting the children. Despite the numerous services offered to the respondent, there was no reasonable likelihood that the conditions that led to adjudication would be rectified within a reasonable time considering children's ages. The trial court did not err by terminating respondent's parental rights.

Further, the evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors*, 462 Mich 341; 612 NW2d 407 (2000). Thus, the family court did not err in terminating respondent's parental rights to the children. *Id.*

Affirmed.

/s/ Gary R. McDonald
/s/ Michael R. Smolenski
/s/ Kirsten Frank Kelly