

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

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In the Matter of HEAVEN MICHELE  
MITCHELL and JACOB CHRISTOPHER  
WOOLLEY, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHARMIN MITCHELL,

Respondent-Appellant,

and

DEWALLIAN E. GREEN,

Respondent.

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UNPUBLISHED

October 21, 2003

No. 248421

St. Clair Circuit Court

Family Division

LC No. 01-000640-NA

Before: Bandstra, P.J., and Hoekstra and Borrello, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), and (g).<sup>1</sup> We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from

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<sup>1</sup> Contrary to respondent's assertion, the trial court did not terminate her parental rights pursuant to MCL 712A.19b(3)(a)(ii) (desertion). The trial court terminated the parental rights of respondent Dewallian E. Green, the putative father of Heaven, on that basis. Green has not appealed the trial court's order.

evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.* at 356-357.

We hold that the trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights. Respondent failed to substantially comply with her parent-agency agreement. She completed parenting classes as well as substance abuse and psychological evaluations, but failed to complete counseling and submitted positive drug screens. She failed to demonstrate appropriate parenting skills during visits with the children. Respondent changed jobs frequently and failed to maintain independent housing. Her assertion that she would obtain better employment after she obtained a GED and stabilized her mood disorder with medication was based entirely on speculation. Respondent's circumstances at the time of the permanent custody hearing were essentially unchanged from the time the children were removed from her custody. The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that the conditions that led to adjudication continued to exist and were not likely to be rectified within a reasonable time, MCL 712A.19b(3)(c)(i) and (ii), and that respondent failed to provide proper care or custody for the children and could not reasonably be expected to do so within a reasonable time, MCL 712A.19b(3)(g). 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); *Trejo, supra*.

We affirm.

/s/ Richard A. Bandstra  
/s/ Joel P. Hoekstra  
/s/ Stephen L. Borrello