

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CORTEZ LAVON NETTLES,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

ARNIETTA NETTLES,

Respondent-Appellant.

UNPUBLISHED

August 21, 2003

No. 245169

Wayne Circuit Court

Family Division

LC No. 97-357779

Before: Markey, P.J., and Cavanagh and Saad, JJ.

MEMORANDUM.

Respondent appeals by right the trial court's order terminating her parental rights to her son Cortez Lavon Nettles (DOB 2-21-01) pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), (i), and (j). We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *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 evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 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.*, 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's parental rights to three other children were terminated due to neglect and her abuse of alcohol. In this matter, the child was taken into custody because respondent was homeless and addicted to alcohol. Respondent's parent-agency agreement required her to obtain substance abuse treatment, obtain and maintain independent housing, maintain a legal source of income, complete parenting classes, visit the child regularly, maintain contact with petitioner, and attend all hearings. Respondent entered substance abuse treatment more than one year after being ordered to do so and did so only after petitioner sought to terminate her parental rights. Respondent provided verification of employment on only one occasion and failed to obtain independent housing, provide verifiable proof of completion of

parenting classes, visit the child, maintain contact with petitioner, and attend all hearings. The evidence showed that at the time of the permanent custody hearing respondent's circumstances had not improved since the child was taken into custody. The trial court's finding that it was unlikely that respondent would make substantial progress if given a further opportunity to do so was not clearly erroneous under all the circumstances. *Sours, supra*. Moreover, respondent's failure to comply with the parent-agency agreement constituted evidence that the child would be at risk of harm if returned to her custody. MCR 3.976(E)(1). The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the statutory grounds alleged. The evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *Trejo, supra*.

We affirm.

/s/ Jane E. Markey

/s/ Mark J. Cavanagh

/s/ Henry William Saad