

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DANIELLA RENEE LAYCOCK,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

EMILIO B. GONZALES,

Respondent-Appellant.

UNPUBLISHED
December 16, 2003

No. 249051
Ingham Circuit Court
Family Division
LC No. 02-001122-NA

Before: Fitzgerald, P.J., and Neff and White, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(g), (i), and (j). Respondent asserts that his due process rights were violated because the court erred in concluding that at least one statutory ground for termination was established by clear and convincing evidence, and the court failed to properly apply the best interest factors. We affirm.

Respondent had a long history of substance abuse. He had many positive drug screens and missed many drug screens. Eventually, he stopped taking the screens, so there was no evidence regarding whether he was drug free at the time of the termination trial. Respondent lied during a previous termination hearing concerning another child, stating he was drug free at the time. Later, he admitted in the instant proceedings that he continued to use drugs for another five months. Respondent had his parental rights to another child terminated earlier for serious neglect. Under these circumstances, the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Thus the trial court did not err in terminating respondent's parental rights to the child. Further, there was no evidence from which the trial court could have found that termination of respondent's parental rights was contrary to the child's best interests.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Janet T. Neff

/s/ Helene N. White