

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MATTHEW J. HANKINS and
CHELSEA A. MALLEY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JEANIE LOUISE MALLEY,

Respondent-Appellant,

and

JONATHAN MOORE and BRENT MALLEY,

Respondents.

Before: Sawyer, P.J., and Bandstra and E. A. Quinnell*, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the juvenile court order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(ii), (c)(i), (g) and (j); MSA 27.3178(519.19b)(3)(b)(ii), (c)(i), (g) and (j). We affirm.

The juvenile court did not clearly err in finding that clear and convincing evidence established the statutory grounds for termination. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *In re Hall-Smith*, 222 Mich App 470, 473; ___ NW2d ___ (1997). The conditions that caused the court to assume jurisdiction in this case continued to exist at the time of the termination hearing. Although respondent-appellant allegedly ended her relationship with Brent Malley, her testimony revealed that she

* Circuit judge, sitting on the Court of Appeals by assignment.

continued to speak with him on a daily basis. In light of respondent-appellant's history with Malley, who abused her and Matthew, it is doubtful that she will stay away from him in the future. Respondent-appellant admittedly is unable to protect Matthew from Malley. Although respondent-appellant worked on some aspects of her treatment plan, she did not complete the plan, which comprises neglect, a ground for termination. *In re Ovale*, 140 Mich App 79, 83; 363 NW2d 731 (1985). Respondent-appellant also did not recognize her inability to parent Matthew, who presents challenging and special needs. Her lack of parental skills also makes her unable to parent Chelsea. See *In re Powers*, 208 Mich App 582, 593-594; 528 NW2d 799 (1995).

Affirmed.

/s/ David H. Sawyer
/s/ Richard A. Bandstra
/s/ Edward A. Quinnell