

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LAWRENCE HAYZAL BROWN,
JR. and ROBERT LEWIS BROWN, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROXANNE BEASLEY,

Respondent-Appellant,

and

LAWRENCE HAYZAL BROWN,

Respondent.

UNPUBLISHED

December 22, 1998

No. 208293

Wayne Juvenile Court

LC No. 95-333502

Before: Markman, P.J., and Bandstra and J.F. Kowalski*, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right 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 (598.19b)(3)(b)(ii), (c)(i), (g), and (j). We affirm.

Respondent-appellant argues that clear and convincing evidence did not exist to terminate her parental rights. We disagree. The evidence shows that respondent-appellant's live-in boyfriend, Hosea Coxton, inflicted beatings upon the minor child Lawrence with a stick, metal pole, and a belt. Respondent-appellant failed to protect Lawrence. After the children were removed from respondent-appellant's home, she did very little to promote the children's return to her care. Respondent-appellant failed to participate in individual counseling, family counseling, and parenting classes, failed to

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

consistently visit the children, and made minimal efforts to comply with the parent/agency agreement. Further, although Coxton continued to reside with respondent-appellant throughout the proceedings, he did not attend any programs designed to ensure that the children would not be abused if returned to the home. In view of respondent-appellant's failure to participate in the court-ordered programs, there was no reasonable likelihood that the conditions that led to adjudication would be rectified. The juvenile court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, respondent-appellant does not argue, nor does the record indicate, that termination of her parental rights was clearly not in the children's best interest. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the juvenile court did not err in terminating respondent-appellant's parental rights to the children.

Respondent-appellant also asserts that the trial court improperly terminated her parental based on her failure to separate from Coxton and Coxton's failure to comply with the parent/agency agreement. We disagree. Specifically, respondent-appellant contends that when the trial court stated that she "has not shown commitment to plan for reunification," the court was in fact penalizing her for her failure to leave Coxton. There is no rational basis for interpreting the court's remark as appellant does. Sufficient evidence existed to terminate respondent-appellant's parental rights regardless of her continued association with Coxton. The evidence reveals that respondent-appellant was unable to provide proper care for the children based on her failure to attend counseling and parenting classes, her inconsistency in visiting the children, and her inability to protect the children.

We affirm.

/s/ Stephen J. Markman

/s/ Richard A. Bandstra

/s/ John F. Kowalski