STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of MARIE CAMP, RANEY CAMP, STEVEN CAMP, RICKY CAMP, and ANGEL RANKINCAMP, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARY ANN CORNWELL,

Respondent-Appellant,

and

TIMOTHY ZUKE, ROBERT ALLEN, ROBERT MIX, JOHN STROUSS, and UNKNOWN FATHER OF STEVEN,

Respondents.

UNPUBLISHED
April 28, 2000

No. 217168
Jackson Circuit Court
Family Division
LC No. 98-088145

Before: Bandstra, C.J., and Cavanagh and Zahra, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from a family court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(g) and (j); MSA 27.3178(598.19b)(3)(g) and (j). We affirm.

The petition in this case was filed after respondent-appellant was stabbed several times by her live-in boyfriend. Two of the minor children were home during the incident and witnessed their mother's injuries. The family court terminated all parental rights to the children after finding no reasonable expectation that the parents would be able to provide proper care and custody within a reasonable time

considering the children's ages, see § 19b(3)(g), and finding a reasonable likelihood that the children would be harmed if returned to the parents' home, see § 19b(3)(j).

On appeal, respondent-appellant argues that the family court erred in terminating her parental rights on those bases. We disagree. We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Huisman*, 230 Mich App 372, 384; 584 NW2d 349 (1998). A trial court may terminate parental rights if it finds that statutory grounds for termination were established by clear and convincing evidence. MCL 712A.19b(3); MSA 27.3178(598.19b)(3); *In re Huisman*, *supra*.

Here, despite the many in-home services provided respondent-appellant over a period of fifteen years, the evidence suggests respondent-appellant was unable to properly care for her children. Raney frequently ran away and was involved with drugs. Both Raney and Marie assaulted respondent-appellant in the past. All of the children had problems with truancy. It is apparent that respondent-appellant had difficulty providing proper care for Steven, who has been under psychiatric care for serious behavioral problems. Respondent-appellant frequently missed Steven's medical appointments and failed to ensure that he took necessary medication despite receiving in-home training focusing on those issues and despite Steven's propensity to act out aggressively without medication. Overall, the evidence suggests respondent-appellant was unable to control and manage her children and failed to provide proper care and custody. Given that respondent-appellant did not improve her care after receiving almost every service available and was not amenable to participation in further services, there was no reasonable expectation that she would be able to provide proper care and custody within a reasonable time considering the children's ages. Therefore, the family court did not clearly err in finding that termination was warranted under § 19b(3)(g). Given the older girls' delinquent behavior, Steven's aggressiveness when not on his medication, respondent-appellant's involvement in several physically abusive relationships, and respondent's inability to cope with those problems, there was a reasonable likelihood that the children would be harmed if returned to respondent's home. Therefore, the family court did not clearly err in finding that termination was warranted under § 19b(3)(j).

The family court also did not clearly err in finding that respondent-appellant failed to show that termination of her parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Huisman*, *supra* at 385. We reject respondent-appellant's contention that § 19b(5) constitutes an impermissible shifting of the burden of proof. "[§ 19b(5)] does not shift the *burden of proof* onto the parents. Rather, [§ 19b(5)] simply requires that a parent put forth some evidence from which the trial court could conclude that termination is clearly not in the child's best interest." *In re Hamlet (After Remand)*, 225 Mich App 505, 522-523; 571 NW2d 750 (1997), citing *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). While respondent-appellant suggested it was unlikely the children would be adopted into the same home and retain their bonds with one another and respondent-appellant, respondent-appellant failed to show termination clearly was not in the children's best interests given the substantial evidence that she was incapable of providing proper care and custody to her

children. Accordingly, the trial court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Richard A. Bandstra
/s/ Mark J. Cavanagh
/s/ Brian K. Zahra