

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of ANNA and GERALD DUDEK,  
Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BOZENA DUDEK,

Respondent-Appellant,

and

GERALD DUDEK,

Respondent.

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In the Matter of ANNA and GERALD DUDEK,  
Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GERALD DUDEK,

Respondent-Appellant,

and

BOZENA DUDEK,

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UNPUBLISHED

June 23, 2000

No. 219873

Macomb Circuit Court

Family Division

LC No. 96-043135

No. 219919

Macomb Circuit Court

Family Division

LC No. 96-043135

Respondent.

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

MEMORANDUM.

Respondents appeal as of right from a family court order terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). We affirm

We are satisfied from our review of the record that the trial 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; 445 NW2d 161 (1989). Further, respondents failed to show that termination of their parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 473; 564 NW2d 156 (1997).

There was clear and convincing evidence that the conditions that led to adjudication continue to exist and are not likely to be rectified within a reasonable time, and that the parent, without regard to intent, failed to provide proper care or custody for the children. MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). The basis for the termination petition was respondent-mother's mental illness and respondent-father's inability to intervene to protect the children from their mother or to himself provide proper care for the children. These conditions had not changed in the 2-1/2 years since the children were placed in foster care, despite respondents' partial compliance with the parent-agency agreement and concerted efforts by the FIA to assist respondents with their home management and parenting skills.

Affirmed.

/s/ Donald S. Owens

/s/ Janet T. Neff

/s/ E. Thomas Fitzgerald