

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CANDISE YVONNE SPENCER,
BRIANNA DAWN SPENCER, CHRISTOPHER
ANTHONY SPENCER, Jr., ALONZO MILTON
GARVIN, DARCHELLE RENA GARVIN and
GLADYS MARIA GARVIN, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RACHEL YVONNE SPENCER,

Respondent-Appellant,

and

CHRIS COLLINS, BRYANT D. BRANCH
and MILTON GARVIN,

Respondents.

Before: Jansen, P.J., and Hood and Saad, JJ.

MEMORANDUM.

Respondent Rachel Spencer appeals as of right the order terminating her parental rights to her six children. We affirm.

Respondent's parental rights were terminated pursuant to MCL 712A.19(3); MSA 27.3178(598.19b)(3). Termination was made under subsection (a)(ii) (desertion), (c)(i), (failure to remedy conditions), (g), (failure to provide proper care and custody), and (j) (likelihood of harm). Evidence presented at the termination hearing showed that the children were made temporary court

wards based on the conditions of the home, and that respondent failed to improve the conditions or comply with her treatment plan.

A trial court's decision terminating parental rights is reviewed for clear error. *In re Sours Minors*, 459 Mich 624, 632; 593 NW2d 520 (1999). If the court finds statutory grounds of termination were established by clear and convincing evidence, it must terminate parental rights unless the respondent shows that termination is clearly not in the children's best interest. *In re Hall-Smith*, 222 Mich App 470, 472; 654 NW2d 156 (1997).

There was clear and convincing evidence to support the termination of respondent's parental rights. The conditions that triggered the filing of the petition still existed at the time of the termination. Where respondent failed to comply with the treatment plan, there was no showing of a reasonable likelihood that the conditions would be corrected in a reasonable time. Respondent failed to make progress with her problems, and she failed to provide proper care and custody for the children. Given the conditions, the court could conclude that the children would be harmed if they were returned to respondent. The trial court did not clearly err in terminating respondent's parental rights.

Affirmed.

/s/ Kathleen Jansen

/s/ Harold Hood

/s/ Henry William Saad