

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHANE LEE POWELL, JAMES
WILL COLLINS, and AUSTIN POWELL, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner - Appellee,

v

CRYSTAL GAIL COLLINS,

Respondent - Appellant,

and

LUCIAN LINDSELL, MATTHEW FORSYTHE,
and GARY FOSTER,

Respondents.

Before: White, P.J., and Doctoroff and O'Connell, JJ.

MEMORANDUM.

Respondent mother appeals from an order terminating her parental rights to her minor children pursuant to MCL 712A.19b(3)(c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(c)(i), (g) and (j). We affirm.

In a termination of parental rights case, a trial court must determine whether a statutory ground for termination exists based on clear and convincing evidence. If so, then MCL 712A.19b(5); MSA 27.3178(598.19b)(5) mandates that the trial court terminate the parent's rights unless "there exists clear evidence, on the whole record, that termination is not in the child's best interests. *In re Trejo*, __ Mich __; __ NW2d __ (Docket No. 112528, issued 7/5/2000), slip op at 14. In this case, respondent

challenges the trial court's conclusion that she lacked the ability to manage the children or to protect them.

This Court has carefully reviewed the record on appeal, the lower court's opinion, and the parties' briefs. In our view, the trial court did not clearly err in finding that respondent was not in a position to receive the children. Respondent initially covered for her male cohabitant until her son told his doctors about the actual cause of his injured elbow. Respondent averred that since that time she had learned how to better choose the people with whom she would associate, but she admitted at trial that approximately seven months prior to the adjudication hearing a friend stole her telephone card and charged \$1,100 in calls. Respondent failed to rectify her housing situation, or her financial status, despite having two and one-half years to do so. Finally, FIA agents provided testimony establishing that respondent lacked the ability to supervise and direct the children.

Affirmed.

/s/ Helene N. White

/s/ Martin M. Doctoroff

/s/ Peter D. O'Connell