

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALEX SEBASTIAN NIX, DEAN
ALLAN HIBBS, and KOTI TIELER HANKINS,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner - Appellee,

v

TERRI NIX,

Respondent - Appellant.

UNPUBLISHED
September 1, 2000

No. 224793
Branch Circuit Court
Family Division
LC No. 98-000930-NA

Before: White, P.J., and Talbot and R. J. Danhof,* JJ.

PER CURIAM.

Respondent appeals as of right from the order of the Branch Circuit Court, Family Division, that terminated her parental rights to Alex Sebastian Nix (dob 1/17/93), Dean Allan Hibbs (dob 6/25/94), and Koti Tieler Hankins (dob 6/10/98) pursuant to MCL 712A.19b(3)(c)(ii); MSA 27.3178(598.19b)(3)(c)(ii). We affirm.

Respondent argues on appeal that clear and convincing evidence was not presented regarding § 19b(3)(c)(ii). Respondent contends that she rectified the conditions cited in the original petition, e.g., alcohol abuse, domestic violence, and stable housing and employment, and that the record was absolutely void of any evidence regarding the existence of other conditions that would support termination. We find no merit to respondent's argument.

This Court reviews a decision terminating parental rights for clear error. MCR 5.974(I); *In re Trejo*, ___ Mich ___, ___ NW2d ___ (No. 112528, decided 7/5/2000), slip op at 17. Reversal is appropriate only where the decision is found to be "more than just maybe or probably wrong." *Id.*, quoting *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). The family court's decision that a

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

ground for termination has been proven by clear and convincing evidence, and, where appropriate, the court's decision regarding the children's best interest, are reviewed for clear error. *Trejo, supra*.

Termination in this case was supported by clear and convincing evidence. Although the evidence indicated that respondent's living situation had stabilized since the children were removed from her care, her fundamental inability to be a fit parent had not. Accord, *Sours, supra*. As noted by the various witnesses at trial, respondent made no real progress in improving her parenting skills during the one and one-half years that the children were in foster care, notwithstanding the numerous services offered by the Family Independence Agency. She failed to visit her children on a regular basis, failed to acknowledge the psychological damage done to her children because of her actions, failed to take full advantage of many of the services offered by the agency, and routinely blamed others for her own poor judgment. The family court understandably found respondent's testimony to be unpersuasive. Under the circumstances, we find no clear error in the family court's finding that petitioner had proven § 19b(3)(c)(ii) by clear and convincing evidence. Neither do we find clear error in the family court's finding that no showing was made that termination was not in the children's best interests. Accordingly, termination was mandatory pursuant to MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *Trejo, supra*, slip op at 12-14, 27-28.

Affirmed.

/s/ Helene N. White
/s/ Michael J. Talbot
/s/ Robert J. Danhof