

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MICHELLE NICHOL
MALKIEWICZ, MELISSA MAE MALKIEWICZ,
and KENNETH R. HAYES, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANGEL YVETTE HAYES, a/k/a ANGEL
YVETTE MALKIEWICZ,

Respondent-Appellant,

and

JAMES M. MALKIEWICZ and
ROGER BOLLING, a/k/a RODGER BOWLING,

Respondents.

Before: Sawyer, P.J., and Jansen and Gage, JJ.

PER CURIAM.

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

The family court did not clearly err in finding that §§ 19b(3)(c)(i), (g) and (j) were all established by clear and convincing evidence. MCR 5.974(I), *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Here, respondent-appellant had a history with protective services dating to 1989, and her three oldest children had been made permanent court wards and adopted by the maternal grandmother. These three children came to the attention of protective services in May 1996, and respondent-appellant showed little improvement over the ensuing three-year period. She failed to obtain safe and suitable housing for the children because she was

living in a mobile home as the tenant of her boyfriend and was, thus, dependent on him for her living situation. Her current boyfriend had problems with alcoholism and engaged in an altercation with a male friend of respondent-appellant. Further, respondent-appellant failed to maintain stable employment (she worked at three different nursing homes in a nine-month period and was discharged from two of those positions). She failed to understand the special needs of her children, especially Michelle's severe emotional harm and Kenneth's development delay. She also failed to demonstrate that she could effectively parent the children, despite being provided with services to assist her. Consequently, the court correctly concluded that the risk of harm remained for the three children.

Because at least one statutory ground for termination was established by clear and convincing evidence, we need not decide whether termination was proper under § 19b(3)(i). *In re Sours Minors*, 459 Mich 624, 632; 593 NW2d 520 (1999); MCL 712A.19b(3); MSA 27.3178(598.19b)(3). Finally, because the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests, MCL 712A.19b(5); MSA 27.3178(598.19b)(5), MCR 5.974(E)(2), the family court did not clearly err in terminating respondent-appellant's parental rights to the children. *In re Trejo, supra*, p 357.

Affirmed.

/s/ David H. Sawyer

/s/ Kathleen Jansen

/s/ Hilda R. Gage