

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JEREMIAH D. DUARTE and
NATHANIEL DUARTE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DANIEL DUARTE and LINDA DUARTE,

Respondents-Appellants.

UNPUBLISHED
January 30, 2001

No. 227509
Mecosta Circuit Court
Family Division
LC No. 90-002321-NA

Before: Collins, P.J., and Doctoroff and White, JJ.

MEMORANDUM.

Respondents appeal as of right from an order terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(i), (b)(ii), (c)(i), (c)(ii), (g), (j), (k)(iii) and (k)(v); MSA 27.3178(598.19b)(3)(b)(i), (b)(ii), (c)(i), (c)(ii), (g), (j), (k)(iii) and (k)(v). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

While we are not convinced that termination was warranted under § 19b(3)(k)(v), the circuit court did not clearly err in finding that the remaining statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent father acknowledged that he broke the leg of one of his sons while twisting the child around in anger. Though it was the goal of petitioner and the court to reunite the family upon a showing that respondents could provide proper care and custody for their children, respondents failed to comply with the parent-agency agreement. They did not attend counseling and did not consistently visit with the children, missing at least fifty percent of the visits. Further, the evidence did not show that termination of respondents' parental rights was clearly not in the children's best interests. MCL 712A.19(b)(5); MSA 27.3178(598.19b)(5); *In re*

Trejo, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the court did not err in terminating respondents' parental rights to the children.

Affirmed.

/s/ Jeffrey G. Collins
/s/ Martin M. Doctoroff
/s/ Helene N. White