

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JUSTIN COLE and THOMAS
COLE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOSEPH COLE and THERESA McKINNEY,

Respondents-Appellants.

UNPUBLISHED
May 29, 2001

No. 229624
Kent Circuit Court
Family Division
LC No. 98-107100-NA

Before: McDonald, P.J., and Smolenski and K.F. Kelly, JJ.

MEMORANDUM.

Respondents appeal as of right from the family court order terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). We affirm.

Where termination of parental rights is sought, the existence of a statutory ground for termination must be established by clear and convincing evidence. MCR 5.974(A), (F)(3); *In re Bedwell*, 160 Mich App 168, 173; 408 NW2d 65 (1987); see also MCL 712A.19b(1); MSA 27.3178(598.19b)(1). The trial court's findings of fact are reviewed for clear error. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court finds at least one statutory ground for termination has been established by clear and convincing evidence, the trial court must terminate parental rights unless to do so is clearly not in the child's best interest. *In re Trejo Minors*, 462 Mich 341, 351; 612 NW2d 407 (1999).

The family court did not clearly err by finding that the 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). The problems that led to the initial adjudication included lack of supervision and an unsanitary home. Although at the time of the termination hearing, the condition of the home had improved, the parents were still unwilling or unable to appropriately supervise the children, which includes the use of appropriate discipline. Although the parents received services since 1997, these problems remained unresolved, and there was no indication

that they would be resolved within a reasonable time given the ages of the children. Therefore, the court did not clearly err in terminating respondents' parental rights.

Further, the evidence did not show that termination of respondents' parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors*, 462 Mich 341, 353-354, 356; 612 NW2d 407 (2000). Accordingly, the family court did not err in terminating respondents' parental rights to the children.

Affirmed.

/s/ Gary R. McDonald

/s/ Michael R. Smolenski

/s/ Kirsten Frank Kelly