

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JCE, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BILLIE JO EINEDER,

Respondent-Appellant,

and

ALLEN CHARLES BENNER,

Respondent.

UNPUBLISHED

January 22, 2002

No. 235503

Isabella Circuit Court

Family Division

LC No. 00-000046-NA

Before: Sawyer, P.J., and O'Connell and Zahra, JJ.

MEMORANDUM.

Respondent Billie Jo Eineder appeals as of right the order terminating her parental rights to the minor child. We affirm.

Under MCL 712A.19b(3), the petitioner for the termination of parental rights bears the burden of proving at least one ground for termination. *In re Trejo Minors*, 462 Mich 341, 350; 612 NW2d 407 (2000). Once the petitioner has presented clear and convincing evidence that persuades the court that a ground for termination is established, termination of parental rights is mandatory unless the court finds that termination clearly is not in the child's best interests. *Id.* at 354. We review for clear error a decision terminating parental rights. *Id.* at 356.

Pursuant to MCL 712A.19b(3)(g), parental rights may be terminated when:

The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

“The statute requires clear and convincing evidence of both a failure and an inability to provide proper care and custody.” *In re Hulbert*, 186 Mich App 600, 605; 465 NW2d 36 (1990) (internal quotation marks omitted).

The trial court did not clearly err in terminating respondent’s parental rights. While respondent asserts that the agency failed to conduct additional professional assessments, there is no indication that the assessments would have affected respondent’s ability to provide proper care and custody within a reasonable time. Further, there is no showing that the agency failed to make reasonable efforts to rectify the conditions that caused the child’s removal from the home. MCL 712A.18f(4).

Affirmed.

/s/ David H. Sawyer
/s/ Peter D. O’Connell
/s/ Brian K. Zahra