

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of NICOLA GIANCARLO
ANTONUCCI-MUNOZ, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

UNPUBLISHED
February 15, 2002

V

No. 233579
Wayne Circuit Court
Family Division
LC No. 98-367701

ALICIA AYOLA MUNOZ SIDEBOTTOM, a/k/a,
NORMA ALICIA MUNOZ, a/k/a ALICIA
MUNOZ, a/k/a ALICIA AYOLA, a/k/a ALICIA
ANTONUCCI,

Respondent-Appellant,
and

GARY ADAMS AND GARY MILITELLO,

Respondents.

Before: Talbot, P.J., and Gage and Wilder, JJ.

PER CURIAM.

Respondent-appellant (hereinafter respondent), biological mother of the involved minor child, appeals as of right from a family court order terminating her parental rights to the minor pursuant to MCL 712A.19b(3)(c)(i), (g), (j) and (l). We affirm.

Petitioner must demonstrate that clear and convincing evidence warrants termination of a respondent's parental rights. MCL 712A.19b(3). This Court reviews for clear error the family court's findings supporting an order terminating parental rights. MCR 5.974(I). Findings of fact are clearly erroneous when, although evidence exists to support them, this Court is left with the definite and firm conviction that a mistake has been made. *In re Conley*, 216 Mich App 41, 42; 549 NW2d 353 (1996).

After reviewing the record, we conclude that the family court properly terminated respondent's parental rights pursuant to subsection 19b(3)(c)(i). The conditions leading to the

minor's initial adjudication as a temporary ward included respondent's lack of stable housing and employment, respondent's inability to protect herself and the minor from an abusive former boyfriend, respondent's acknowledged history of experiencing domestic violence, and respondent's mental history. By the time of the termination hearing, respondent (1) had not consistently attended individual therapy to address her past abuse or anger management; (2) had married a man who had at least one domestic violence charge and who physically assaulted her during the month before the marriage; (3) had lived in several different residences shortly before the minor arrived in foster care and while the case was pending, and lived with her current husband for a period of only several months, interrupted when the husband assaulted respondent; (4) admittedly had failed to complete or consistently attend domestic violence therapy; (5) had not attended psychiatric and neurological follow up appointments recommended by her psychological evaluation; and (6) still had no stable employment, acknowledging approximately a dozen jobs during the past four years. *In re Trejo Minors*, 462 Mich 341, 346, n 3, 360-361, n 16; 612 NW2d 407 (2000) (noting that failure to substantially comply with a court-ordered treatment plan constitutes evidence of neglect). We also note that the record of respondent's extensive, often unnecessary hospital visits over the past several years evidences some emotional or mental disturbance suffered by respondent. We conclude that respondent's lack of progress toward her treatment plan demonstrates her continuing inability to provide the minor proper care and the unlikelihood that she could provide the minor proper care and custody within a reasonable time.¹ Subsection 19b(3)(c)(i); *In re Harmon*, 140 Mich App 479, 483; 364 NW2d 354 (1985).

Although respondent makes no specific argument that "termination of parental rights . . . is clearly not in the child's best interests," MCL 712A.19b(5), we find that the minor's best interests are served by termination of respondent's parental rights. In light of respondent's failures to achieve any of the elements of the treatment plan intended to address her mental instabilities and improve her parenting skills, her failure to protect even her own safety, and her demonstrated failures to provide the minor's older siblings proper care, *In re LaFlure*, 48 Mich App 377, 392; 210 NW2d 482 (1973), we cannot conclude that termination of respondent's parental rights clearly is not in the minor's best interests.

Affirmed.

/s/ Michael J. Talbot
/s/ Hilda R. Gage
/s/ Kurtis T. Wilder

¹ Because the instant record clearly and convincingly establishes the grounds for termination within subsection 19b(3)(c)(i), we need not consider the propriety of the other grounds on which the family court relied. Subsection 19b(3).