

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of T.C. and D.G., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SAMANTHA GIBSON,

Respondent-Appellant,

and

DONALD GIBSON,

Respondent.

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UNPUBLISHED

July 12, 2002

No. 235285

Ionia Circuit Court

Family Division

LC No. 00-000060-NA

Before: Hood, P.J., and Saad and E. M. Thomas\*, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(ii), (g) and (j). We affirm.

The trial court did not clearly err in ordering petitioner to file a petition for termination within forty-two days of the permanency planning hearing where at that hearing the trial court concluded that return of the children to the parent would cause a substantial risk of harm to the children, and no evidence was presented that proceeding with termination was against the children's best interests. MCL 712A.19a(4) and (5); MCR 5.973(C)(4)(b) and (c).

Furthermore, the trial court did not clearly err in terminating respondent's parental rights to the children pursuant to MCL 712A.19b(3)(c)(ii). Although respondent asserted that she was not given a reasonable opportunity to rectify conditions causing the children to come under the trial court's jurisdiction because she was under doctor's orders for bed rest for six months, the evidence was clear and convincing that respondent had ample opportunity to rectify the

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\* Circuit judge, sitting on the Court of Appeals by assignment.

conditions and was not invested in compliance. MCR 5.974(I). *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Affirmed.

/s/ Harold Hood  
/s/ Henry William Saad  
/s/ Edward M. Thomas