

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of E.L.H., Minor.

---

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PAMELA LYNN HOARD,

Respondent-Appellant,

and

ROY GENE HANKINS, JR.,

Respondent.

---

UNPUBLISHED

August 2, 2002

No. 239505

Branch Circuit Court

Family Division

LC No. 00-001703-NA

Before: Murray, P.J., and Sawyer and Zahra, JJ.

MEMORANDUM.

Respondent Pamela Lynn Hoard appeals as of right the termination of her parental rights to her child pursuant to MCL 712A.19b(3)(c)(i), (ii). 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; 617 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 is clearly not in the child's best interests. *Id.* at 355-356. Decisions terminating parental rights are reviewed for clear error. *Id.* at 356.

The petition alleged that respondent failed to rectify conditions leading to the adjudication. MCL 712A.19b(3)(c) provides for termination when

(c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the following:

(i) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

(ii) Other conditions exist that cause the child to come within the court's jurisdiction, the parent has received recommendations to rectify those conditions, the conditions have not been rectified by the parent after the parent has received notice and a hearing and has been given a reasonable opportunity to rectify the conditions, and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

There is clear and convincing evidence to support the termination of respondent's parental rights. The petition asserted that Roy Hankins had his parental rights terminated as to three older children, and he posed a danger to respondent's child, which respondent failed to recognize. While Hankins was incarcerated, respondent made progress with the child. When Hankins was released, respondent stopped cooperating with caseworkers, lost her job, was evicted, and was arrested on assault charges. There was clear and convincing evidence that respondent failed to rectify conditions within a reasonable time.

The trial court found that respondent had the ability to be a capable mother, and a bond existed between her and the child. However, given respondent's behavior, the court could reasonably conclude that the best interests of the child warranted termination.

Affirmed.

/s/ Christopher M. Murray  
/s/ David H. Sawyer  
/s/ Brian K. Zahra