

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of D.L., R.L., and E.L., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PATRICIA POWELL,

Respondent-Appellant,

and

WILLIE LONDON,

Respondent.

UNPUBLISHED

August 23, 2002

No. 238467

Oakland Circuit Court

Family Division

LC No. 99-630652-NA

Before: White, P.J., and Neff and Jansen, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to her children pursuant to MCL 712A.19b(3)(g).¹ We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.* at 356-357.

¹ The trial court's order also terminated the parental rights of respondent Willie London, the children's father. London has not appealed the order.

We hold that the trial court did not clearly err in finding that petitioner established by clear and convincing evidence a statutory ground for termination of respondent's parental rights. The children were removed from respondent's custody due in large part to her inability to maintain suitable housing. Petitioner offered respondent numerous services over the course of several years. The evidence produced at the permanent custody hearing established that respondent failed to comply with the parent-agency agreement in some respects, and in particular failed to obtain and maintain suitable housing. The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the ground that respondent failed to provide proper care and custody for the children and could not be expected to do so within a reasonable time considering the ages of the children. MCL 712A.19b(3)(g).

The evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCR 5.974(I); *Trejo, supra*. Respondent's assertion that the children should have been interviewed in connection with the best interests determination is without merit. The children's very young ages prevented them from having significant insights into their best interests.

Affirmed.

/s/ Helene N. White
/s/ Janet T. Neff
/s/ Kathleen Jansen