

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of T.E., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DEBRA A. EASTMAN,

Respondent-Appellant.

UNPUBLISHED
November 8, 2002

No. 238620
Midland Circuit Court
Family Division
LC No. 99-000431-NA

Before: Griffin, P.J., and Gage and Meter, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to her child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).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*, 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.*, 356-357.

We hold the trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights. Petitioner removed the child from the home due to respondent's neglect of the child's physical needs and her failure to maintain suitable living conditions. Respondent made some effort to comply with the parent-agency agreement; however, the evidence showed that respondent did not benefit from counseling or parenting classes, and refused to take advantage of other services offered to her. Respondent's circumstances at the

¹ The trial court's order also terminated the parental rights of non-participating respondent David Hamel, the putative father of T.E. Hamel has not appealed the order.

time of the permanent custody hearing were essentially unchanged from the time petitioner took the child into custody. Her failure to substantially comply with the parent-agency agreement constituted evidence that returning the child to her custody could cause a substantial risk of harm to the child. MCR 5.973(C)(4)(b).

The trial court did not err in finding that termination of respondent's parental rights was warranted on the grounds that the conditions that led to adjudication continued to exist and it was not likely the conditions would be rectified within a reasonable time, MCL 712A.19b(3)(c)(i), that respondent failed to provide proper care or custody for the child and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that there was a reasonable likelihood the child would be harmed if returned to respondent's custody, MCL 712A.19b(3)(j). The evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5).

Affirmed.

/s/ Richard Allen Griffin

/s/ Hilda R. Gage

/s/ Patrick M. Meter