

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of B.B., M.B., J.B., and D.B., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WENDY BROWN,

Respondent-Appellant.

UNPUBLISHED

November 22, 2002

No. 238887

St. Clair Circuit Court

Family Division

LC No. 00-000176

Before: Markey, P.J., and Saad and Smolenski, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to her children pursuant to MCL 712A.19b(3)(b)(ii) and (iii), (c)(i) and (ii), (g), and (j).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

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. The children were removed from respondent's custody because the family was residing in inadequate housing, and because the children were exposed to criminal activities. Respondent changed employment and living quarters frequently, and often chose

¹ The trial court's order also terminated the parental rights of non-participating respondents Anthony Byrd, the putative father of B.B., M.B., and D.B., and Brian Gains, the putative father of J.B. Byrd and Gains have not appealed the order.

residences that were inadequate for the children. Two of the children reported being sexually molested by respondent's brother and other men. The foster care worker in charge of the case testified that respondent blamed the abuse on others, and refused to take any responsibility for its occurrence. Respondent continued to associate with her brother after being advised that she should not do so. Respondent attended parenting classes, but was unable to demonstrate skills learned in those classes. Her visits with the children were often chaotic. Respondent did not otherwise substantially comply with the parent-agency agreement. Failure to substantially comply with a parent-agency agreement is evidence that return of the child to the parent could cause a substantial risk of harm to the child. MCR 5.973(C)(4)(b).

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

Affirmed.

/s/ Jane E. Markey
/s/ Henry William Saad
/s/ Michael R. Smolenski