

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of D.J.B. and S.A.K.B., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JANICE BERRY,

Respondent-Appellant,

and

CURTIS SMITH,

Respondent.

UNPUBLISHED

November 26, 2002

No. 237686

Wayne Circuit Court

Family Division

LC No. 96-336593

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

MEMORANDUM.

Respondent-appellant appeals as of right from the circuit court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). This appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

The circuit court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The conditions that brought the children into petitioner's care, namely, respondent's choice of male companions that put the child at risk of harm and inability to secure suitable housing, continued to exist at the time of trial. Respondent continued her relationship with the children's abusive father for a time, then became engaged to a man who was a convicted drug felon who alluded to the fact that he himself had at least one child in foster care. Also, respondent brought her brother to a supervised visit of one of the children, even though he had previously attempted to molest the child. Additionally, respondent lived in fourteen different houses since this case began and her concept of "suitable housing" included homes with no plumbing, missing windows, and extension cords running from her home to a neighbor's home for utilities. Respondent had been unable to graduate from supervised to unsupervised visits. The evidence indicated that there was not a reasonable likelihood that the

conditions would be rectified or respondent would be able to provide proper care and custody within a reasonable time.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 356-357. One of the children had been in foster care her entire life and was doing well. For the other child, visits with respondent were traumatic. Thus, we hold that the circuit court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Jane E. Markey

/s/ Henry William Saad

/s/ Michael R. Smolenski