

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of J.A.G. and T.E.G., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

APRIL GAY,

Respondent-Appellant.

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UNPUBLISHED

December 13, 2002

No. 241902

Hillsdale Circuit Court

Family Division

LC No. 00-000711-NA

Before: Owens, P.J., and Murphy and Cavanagh, 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)(c)(i), (g), and (j).<sup>1</sup> 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.* at 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 she was frequently homeless and involved in domestic violence. The evidence produced at the termination hearing demonstrated that respondent was unable to maintain suitable housing and employment. Petitioner attempted to assist respondent in developing skills related to budgeting

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<sup>1</sup> T.E.G. was placed with her biological father, non-participating respondent Robert Moore, whose parental rights were not terminated. The parental rights of the putative father of J.A.G. were terminated in prior proceedings.

and parenting; however, respondent failed to take advantage of the services offered to her. Respondent did not substantially comply with the parent-agency agreement. The failure to comply with a parent-agency agreement is evidence that return of a child to the parent could cause a substantial risk of harm to the child. MCR 5.973(C)(4)(b). Respondent's circumstances at the time of the termination hearing were essentially unchanged from the time the children were removed from her custody.

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds the conditions that led to the adjudication were not rectified and were not likely to be rectified within a reasonable time, MCL 712A.19b(3)(c)(i), 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 it was reasonably likely the children 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 children's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357.

Affirmed.

/s/ Donald S. Owens  
/s/ William B. Murphy  
/s/ Mark J. Cavanagh