

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of DARLISA PARKER,  
CHRISTOPHER PARKER, SHONDREA  
PARKER, KEYLA CARTER, and CORLANDIS  
CARTER, Minors.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

v

CONSTANCE PARKER,  
  
Respondent-Appellant.

UNPUBLISHED  
March 25, 2004

No. 251257  
Muskegon Circuit Court  
Family Division  
LC No. 01-030126-NA

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Before: Zahra, P.J., and Saad and Schuette, 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) and (g).<sup>1</sup> We affirm.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination has been met by clear and convincing evidence. *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993). This Court reviews the trial court's findings of fact for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999), reh den 460 Mich 1205; 598 NW2d 351 (1999). A finding is clearly erroneous when the reviewing court is left with the firm and definite conviction that a mistake was made. *Jackson*. Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order the termination of 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). The trial court's decision regarding the child's best interests is reviewed for clear error. *Id.*, 356-357.

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<sup>1</sup> The trial court's order also terminated the parental rights of non-participating respondents Vincent B. Smith and Christopher Carter, the children's putative fathers. Smith and Carter have not appealed the trial court's order.

We hold that 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 suffered from mental instability, was homeless, and engaged in domestic violence. Petitioner offered respondent various services to assist her in addressing these issues; however, at the time of the permanent custody hearing, which took place nearly two years after the children were taken into custody, respondent had made virtually no progress in stabilizing her living conditions. She was incarcerated while awaiting trial on a criminal charge, and acknowledged that she would be unable to care for the children upon her release. She could not offer a viable plan for the children while she was incarcerated. The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that the conditions that lead to adjudication continued to exist and were not reasonably likely to be rectified within a reasonable time, MCL 712A.19b(3)(c)(i), and that respondent was unable 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). Furthermore, the trial court did not clearly err in concluding that 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*.

Affirmed.

/s/ Brian K. Zahra  
/s/ Henry William Saad  
/s/ Bill Schuette