

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KELLIE LYNN HOOVER and
DAWNNA JOY-MARIE HOOVER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

YVONNE HOOVER,

Respondent-Appellant,

and

GERALD DONALD HOOVER II,

Respondent.

UNPUBLISHED

June 8, 2004

No. 252496

Saginaw Circuit Court

Family Division

LC No. 02-027627

Before: Sawyer, P.J., and Gage and Owens, JJ.

MEMORANDUM.

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

Respondent-appellant contends that the trial court erred in finding that clear and convincing evidence supported termination of her parental rights. We disagree. Contrary to respondent-appellant's contentions, ample evidence existed on the record to support the trial court's decision. At the time of adjudication, respondent-appellant was homeless and unemployed and had unresolved mental health issues. Although respondent-appellant made some effort to remedy this situation she eventually failed. At the time of termination respondent-appellant was still unemployed and homeless, had not entirely addressed her mental health issues, and still seemed to lack understanding of the basic needs of children, including shelter, stability, and permanence. The trial court, therefore, did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The trial court also did not err in determining that termination was not contrary to the best interests of the children. While in respondent-appellant's care, the children lived in deplorable conditions and one child suffered from developmental delays that were in large part the fault of lack of instruction rather than related to any physical or mental disability. Termination of respondent-appellant's parental rights was not contrary to the best interests of the children. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ David H. Sawyer

/s/ Hilda R. Gage

/s/ Donald S. Owens