STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of ISAIAH BICKHAM, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

PAULA TOWNES,

Respondent-Appellant,

and

CHARLEY BICKHAM,

Respondent.

UNPUBLISHED
June 24, 2004

No. 253209
Berrien Circuit Court
Family Division
LC No. 2003-000106-NA

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

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(i) and (j). We affirm.

This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner established the existence of one or more statutory grounds for termination by clear and convincing evidence, then the trial court must terminate the respondent's parental rights unless it determines that to do so is clearly not in the child's best interests. *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review for clear error the trial court's decision with regard to the child's best interests. *Id*. at 356-357.

Respondent-appellant previously had her parental rights to three other children terminated. This earlier termination followed a long history with protective services that included one confirmed referral for abuse and three confirmed referrals for neglect. The father of the minor child, Charley Bickham, along with his former wife, also had an extensive history with protective services. Most of the Bickhams' history concerned the filthy and unlivable condition of their home at 1043 Ogden.

When respondent-appellant gave birth to the minor child in this case, Bickham was told that the child could not come to the home at 1043 Ogden unless it was made safe. Respondent-appellant and the child, however, were found residing at that home, in living conditions as bad as or even worse than before. Although both respondent-appellant and Bickham denied that they lived in the house, other evidence presented clearly and convincingly showed the contrary.

As such, it appears that respondent-appellant was continuing with her unsafe and neglectful parenting techniques and that the prior attempts at rehabilitation were unsuccessful. Respondent-appellant's argument that MCL 712A.19b(3)(i) requires an additional showing of the likelihood of injury or abuse to the child in the foreseeable future ignores the plain wording of the statute and the well-established doctrine of anticipatory neglect. *In re AH*, 245 Mich App 77; 627 NW2d 33 (2001).

The same evidence establishes the elements of MCL 712A.19b(3)(j). Furthermore, the evidence did not show that termination of respondent-appellant's parental rights was contrary to the child's best interests. Respondent-appellant was exposing her young child to deplorable living conditions, and there was no evidence that such conditions would not continue. The child deserves permanency, consistency, and stability, which respondent-appellant has not been able to provide.

Affirmed.

/s/ David H. Sawyer
/s/ Hilda R. Gage
/s/ Donald S. Owens