

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DAVID JOVAN ZINDOVIC,
KRISTINA ZINDOVIC, ALEKSANDAR JOVAN
ZINDOVIC, and MARKO JOVAN ZINDOVIC,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

UNPUBLISHED
July 20, 2004

v

VESNA ZINDOVIC,

Respondent-Appellant,

No. 252639
St. Joseph Circuit Court
Family Division
LC No. 01-000949-NA

and

JOVAN ZINDOVIC,

Respondent.

Before: Fort Hood, P.J., and Donofrio and Borrello, JJ.

MEMORANDUM.

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

The conditions that led to adjudication involved long-term and extremely serious domestic violence by Jovan Zindovic against respondent-appellant. Respondent-appellant generally made good progress with her treatment plan. The domestic violence over the years, however, had harmed the children greatly, and it was important that the children not be exposed again to Zindovic's violence. Respondent-appellant was well aware of how important this was. Nonetheless, she had contact with him on more than one occasion during the case, with ensuing violence, and lied to conceal the contacts. There was evidence that respondent-appellant would not be able to keep from going back to Zindovic, at least not without considerable additional therapy. The trial court concluded that the conditions of domestic violence leading to adjudication had not changed, that respondent-appellant could not provide proper care and custody for the children if she continued this relationship, and that the children were at risk of harm from future exposure to domestic violence if returned to their mother.

Given the evidence, we cannot conclude the trial court clearly erred in finding that these 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). Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests given a finding that she would continue to have contact with Zindovic in the future. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent-appellant's parental rights.

Affirmed.

/s/ Karen M. Fort Hood

/s/ Pat M. Donofrio

/s/ Stephen L. Borrello