

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JACOB LYONS, JASIMANE
SANCHEZ, and ERASMO ALLARD, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LISA MARIE VEACH,

Respondent-Appellant,

and

JASON ALLARD, MARK ALLEN CURTIN, and
MICHAEL LYONS,

Respondents.

UNPUBLISHED

August 19, 2004

No. 252148

Macomb Circuit Court

Family Division

LC No. 01-051777-NA

Before: Hoekstra, P.J., and Cooper and Kelly, 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). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in determining that the statutory ground for termination of parental rights was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The primary conditions to be rectified in this case were respondent-appellant's long-term instability in housing, employment and mental health. Respondent-appellant was engaged in a protective services proceeding in 1997 after she was hospitalized for bipolar disorder, and after Jacob was sexually molested by her husband. Respondent-appellant was convicted of perjury as a result of the false testimony she gave in favor of her husband at his criminal sexual conduct trial, and was sentenced to probation. Jacob was returned to respondent-appellant in 1998. In 2001, the children were removed when respondent-appellant was incarcerated for four months for failing to pay fines and fees, which

was a violation of her probation, and there was no one available to care for the children. Her employment, housing, and mental health were unstable at that time as well.

Respondent-appellant had nineteen months after her release from jail to comply with her parent agency agreement. She did not meaningfully comply for the first fourteen months. She complied during the last five months by obtaining stable employment and housing, engaging in therapy, and taking her medication consistently. She completed parenting classes, and submitted to two psychological evaluations. She did not comply with drug screens, but substance abuse was not an issue. Although she showed improvement in her second psychological evaluation due to taking parenting classes, her parenting abilities were not consistent at visits with the three children. The psychologist and caseworker testified that respondent-appellant could not yet adequately care for the children. Respondent-appellant's therapist could not give an opinion about respondent's ability to care for the children, but noted that with weekly therapy and consistent medication, perhaps lasting for the rest of her life, respondent-appellant could remain stable.

The evidence showed that respondent-appellant had been prescribed medication and had engaged in therapy from 1996 to 2001, but in that five years had not achieved stable housing, employment, or mental health, and had resided with the children in homes with inappropriate people. The same instability remained for all but the last five months of these proceedings. The trial court did not clearly err in determining that respondent-appellant failed to demonstrate that she had rectified the conditions leading to adjudication for the long term. Given the fact that since 1996 respondent-appellant had not stabilized her employment, housing, mental condition and the living environment of the children, the trial court did not err in determining that there was no reasonable likelihood that respondent-appellant would rectify the conditions of adjudication in a reasonable time given the children's ages.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Jessica R. Cooper
/s/ Kirsten Frank Kelly