

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LATOYA LATRESE CAREY,
SHAKYRA SHARESE CAREY, JOHN RODGER
CAREY, JR., and LAQUITA EDITH NICOLE
CAREY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LATRESE BROWN CAREY,

Respondent-Appellant,

and

JOHN CAREY,

Respondent.

UNPUBLISHED
August 24, 2004

No. 253478
Oakland Circuit Court
Family Division
LC No. 91-053991-NA

Before: Hoekstra, P.J., and Cooper and Kelly, JJ.

PER CURIAM.

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

The petitioner must establish a statutory ground for termination under MCL 712A.19b(3) by clear and convincing evidence. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Once the court finds that a statutory ground for termination has been established, it must terminate the respondent's parental rights unless it finds that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 364-365. This Court reviews decisions terminating parental rights for clear error. *Id.* at 356. A decision is clearly erroneous if, although there is evidence to support it, the reviewing court on the entire record is left with the definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

In this case, the evidence clearly and convincingly established that the conditions that led to adjudication, respondent's lack of a stable residence and lack of employment, continued to exist. Moreover, respondent had several years to resolve these issues, and was unable or unwilling to do so. Under these circumstances, there was no reasonable likelihood that the conditions would be rectified within a reasonable time considering the children's ages. Accordingly, termination was warranted under subsection 19b(3)(c)(i).

The evidence also clearly and convincingly established that respondent failed to provide proper care and custody for her children. Respondent's consistent failure to comply with her treatment plan is evidence of her failure to provide proper care and custody. *In re JK, supra* at 214. Although respondent's children were returned to her on various occasions, they were subsequently removed each time because of improper care. Respondent was afforded many opportunities to show that she could properly care for her children, but instead engaged in criminal activity and failed to maintain employment and stable housing. This demonstrates respondent's lack of commitment to her children and indicates that there is no reasonable expectation that she will be able to provide proper care and custody within a reasonable time.

Thus, the trial court did not clearly err in finding that subsections 19b(3)(c)(i) and (g) were each established by clear and convincing evidence. Further, the evidence failed to show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo, supra*. Thus, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

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