

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MICHAEL DAVID SMITH and
NICHOLAS LEONARD NIXON, II, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHELLE MARIE MOYA,

Respondent-Appellant,

and

DAVID JERRY SMITH and CARLOS RIVERA,

Respondents.

UNPUBLISHED

September 21, 2004

No. 254544

Macomb Circuit Court

Family Division

LC No. 94-039906-NA

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

MEMORANDUM.

Respondent Moya appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to 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 finding that at least one statutory ground for termination had been proved by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Although the children had been in foster care for over two years, respondent had not substantially complied with important aspects of the treatment plan and still lacked stable, suitable housing. Further, the trial court's finding regarding the child's best interests was not clearly erroneous. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000). Therefore, the trial court did not clearly err in terminating respondent's parental rights. *Trejo*, *supra* at 356-357.

Affirmed.

/s/ Stephen L. Borrello
/s/ Christopher M. Murray
/s/ Karen M. Fort Hood