

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANDREW CHRISTOPHER
HILL, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANGELA HILL,

Respondent-Appellant.

UNPUBLISHED
November 9, 2004

No. 254675
Roscommon Circuit Court
Family Division
LC No. 03-724099-NA

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

PER CURIAM.

Respondent appeals as of right the order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g). We affirm.

This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 3.911(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that petitioner established the existence of one or more statutory grounds for termination by clear and convincing evidence, then the trial court must terminate 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's primary argument concerns the FIA's decision in August 2003 to finally end years of futile services and file a petition that sought termination of respondent's parental rights at the initial dispositional hearing. Respondent states that the resulting cut-off of services deprived her of the opportunity to rectify the conditions that led to the child's removal; therefore, it was contrary to the child's best interests to terminate her rights. She also contests the request for termination at the initial dispositional hearing on the ground that only cases involving serious neglect are candidates for such a fast track. She characterizes her case as involving nonserious "objective neglect" and states that the FIA should have sought a long-term foster care arrangement as opposed to termination. She also tries to blame the FIA for not providing assistance with her finances. She reasons that, had the FIA provided such financial help, then the other problems such as housing and lack of a structured environment could have been rectified. She also tries to take advantage of the fact that the initial service plan was filed more than thirty

days after the child was removed from her care, when the cause of the delay was apparently due to respondent's avoidance of FIA employees for over one month.

These arguments are not based in law because it is clearly established that, if petitioner requests termination in the initial petition, the need to develop and consider a case plan to reunite the family is eliminated, and the trial court can terminate parental rights at the initial dispositional hearing. MCL 712A.19b(4) and MCR 3.977(E). Moreover, the evidence overwhelmingly showed the lack of proper care provided to the child, who had significant emotional and psychological needs. In filing the termination petition, the FIA put an end to six years of almost continual intervention and services. A review of the evidence presented, and the thoughtful trial court opinion, leaves no doubt that termination was warranted in this case on the ground set forth in MCL 712A.19b(3)(g), and was not contrary to the child's best interests.

Affirmed.

/s/ Jessica R. Cooper
/s/ E. Thomas Fitzgerald
/s/ Joel P. Hoekstra