

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALEXANDER JAMES LORD-
GIBSON and NICOLAS ALLEN GIBSON,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANDREA CHRISTINE LORD-GIBSON and
JOHN C. GIBSON III,

Respondents-Appellants.

UNPUBLISHED
December 2, 2004

No. 255444
Kalamazoo Circuit Court
Family Division
LC No. 02-000380

Before: Meter, P.J., and Wilder and Schuette, JJ.

MEMORANDUM.

Respondents appeal as of right from the trial court's order terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in determining that the statutory grounds for termination of parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The primary conditions leading to adjudication were homelessness, respondent father's abuse, and respondent mother's failure to protect the children and see to their basic hygiene needs. The family had received services for approximately four years before this proceeding, even before the oldest child was born. Respondent mother had intellectual limitations that could not be rectified and depression that she managed fairly regularly with medication.

Respondents worked hard at substantially complying with their parent agency agreements and desired to improve their relationship and parenting skills, which made the decision to terminate difficult for the trial court. They made progress by obtaining an apartment, trying to budget and improve housekeeping, and trying to implement parenting techniques at visits. Yet after sixteen months of services, the service providers, including their therapist, the in-home homemaker, the FIA caseworker, and a psychologist who observed three visits between respondents and the children just prior to the termination hearing, concluded that respondents could not yet safely and adequately care for the children. The psychologist reported that there

was still a risk of abuse by respondent father. Respondent mother admitted that she could not yet parent the children. Several additional years of services in addition to the four to five years already provided would be required for both parents before the children could possibly, if ever, return home. The evidence clearly showed that there was no reasonable likelihood that respondents would be able to change their condition and independently parent the children within a reasonable time.

Further, the evidence did not show that termination of respondents' parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The psychologist noted a bond between respondent mother and the children, but the children were also bonded to the foster parents and viewed them as their parents. The children were thriving in foster care, their needs were met, and the older child was old enough to express a desire to be adopted by the foster parents. Respondents' marriage was still unstable. In light of the fact that respondents would not be able to assume care of the children within a reasonable time, termination of parental rights was mandated.

Affirmed.

/s/ Patrick M. Meter

/s/ Kurtis T. Wilder

/s/ Bill Schuette