

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JEFFREY AMOS BASSETT, JR.,
and JAMES MERLON BARTREAU, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SARA KAY BARTREAU,

Respondent-Appellant.

UNPUBLISHED

December 14, 2004

No. 256452

Saginaw Circuit Court

Family Division

LC No. 03-028287-NA

Before: Markey, P.J., and Fitzgerald and Owens, JJ.

MEMORANDUM.

Respondent appeals by right the order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that statutory grounds to terminate respondent's parental rights had been established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). The conditions that led to adjudication were sanitary issues with respondent's housing, domestic violence issues, and the children's aggressive behavior. At the time of termination, respondent resided at Odyssey House, where she was addressing her substance abuse problem. Although respondent testified that women could have their children with them at Odyssey House, she was going to be there for only three more months at most and did not have a place to live once she completed the program. Respondent was planning on moving to be closer to her mother, so that her mother could help with the children. However, one incident of domestic violence involved respondent's stepfather, and respondent's mother denied that her husband hurt one of respondent's children. We find that clear and convincing evidence was presented establishing that respondent's inability to provide a stable environment and the issue of domestic violence continued to exist. Based on respondent's own testimony at the termination hearing, there was no reasonable likelihood that these conditions would be rectified within a reasonable time considering the children's ages. In addition, other evidence demonstrated that respondent was not consistent with her discipline techniques, that she raised her hand to strike one of the children at a scheduled visitation, that she left one child unattended on the changing table on two occasions, and that respondent had been subjected to violence by an ex-boyfriend and his sister,

raising additional concerns regarding the risk of harm to the children if returned to respondent's care.

Respondent contends that the trial court erred in terminating her parental rights because, as a person with a disability, she should have been given more time to complete services. However, respondent's claim of inadequate services to accommodate her disability was not raised before the trial court and, therefore, has been waived for appeal. *In re Terry*, 240 Mich App 14, 26 n 5; 610 NW2d 563 (2000).

Finally, the evidence did not show that termination of respondent's parental rights was clearly against the children's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 354. While there was evidence that both children were excited when they saw their mother, other testimony indicated that the children had behavioral problems while they were in respondent's custody, and their behavior improved in foster care. Thus, the trial court did not clearly err in terminating respondent's parental rights.

Affirmed.

/s/ Jane E. Markey
/s/ E. Thomas Fitzgerald
/s/ Donald S. Owens