

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LILLIAN MARIE ROGERS,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CYNTHIA LYNN AGUIRRE,

Respondent-Appellant.

UNPUBLISHED
December 21, 2004

No. 255479
Oakland Circuit Court
Family Division
LC No. 01-655651-NA

Before: Whitbeck, C.J., and Saad and Talbot, JJ.

MEMORANDUM.

Respondent appeals as of right from the order terminating her parental rights,¹ and we affirm.

The minor child was born during the pendency of a case involving respondent's three older children. In that case, respondent's parental rights were terminated. The trial court found that respondent had failed to protect her older children from the sexual abuse of her friend, who she allowed to live in the home after the abuse was initially reported. Also, the father of the minor child, had physically abused one of respondent's sons, yet she allowed him to accompany her on a visit with the older children in violation of court order. She also failed to comply with her parent agency agreement by failing to obtain suitable housing, complete domestic violence counseling, and provide a financial plan. Here, the trial court found that respondent was unable to care for the minor child based on her continual inability to provide permanency or stability in relation to housing or income.

The trial court did not clearly err in finding that clear and convincing evidence established the statutory grounds for termination of respondent's parental rights to the minor child. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). Respondent

¹ Apparently under MCL 712A.19b(3)(b)(ii), (c)(i), (g), (i), and (j); the specific statutory grounds for termination were not specified in the court's order or opinion.

acknowledged the validity of grounds for termination based on the prior termination of her parental rights to her three older children, thereby establishing MCL 712A.19b(3)(b)(ii) and (i). The doctrine of anticipatory neglect and abuse allows a parent's treatment of one child to show probable treatment of another. *In re AH*, 245 Mich App 77, 84; 627 NW2d 33 (2001); *In re Powers*, 208 Mich App 582, 591-593; 528 NW2d 799 (1995). No evidence was offered that respondent had matured or changed and would now be less likely to neglect or allow abuse of a child. In addition, respondent still had not acquired suitable housing or a legal source of income.

Although respondent argues on appeal that petitioner failed to make reasonable efforts to reunite her with the minor child while the child was a temporary ward, services to facilitate a child's return home are not required where, as in this case, termination of parental rights is sought at the initial disposition. MCL 712A.18f(3)(d).

Furthermore, the evidence did not show that termination was not in the minor child's best interests. MCL 712A.19b(5); *Trejo, supra* at 353. Evidence of the prior terminations, considered with respondent's failure to make significant progress coupled with the minor child's young age, support the trial court's best interests determination.

Affirmed.

/s/ William C. Whitbeck

/s/ Henry William Saad

/s/ Michael J. Talbot