

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHANNON LARIVE and
JOSHUA ADAMS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TAMMY M. ADAMS, a/k/a TAMMI ADAMS,

Respondent-Appellant,

and

WILLIAM LARIVE,

Respondent.

UNPUBLISHED

December 21, 2004

No. 256660

Muskegon Circuit Court

Family Division

LC No. 03-031522-NA

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

MEMORANDUM.

Respondent-appellant appeals by right from the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(a)(ii). We affirm.

The trial court did not clearly err in determining that the statutory ground for termination was established by clear and convincing evidence. MCR 3.977(J); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993). A petition was filed in this case in January 2003 because respondent-appellant had no place to live with the minor children. They had been living in a car for several weeks and then lived in a shelter for a short period of time before being asked to leave because of respondent-appellant's behavior. Respondent-appellant had no other plans other than once again to live in the car with the minor children in the middle of January. Although respondent-appellant made some efforts to comply with the parent-agency agreement during the first several months of proceedings, and it was clear that there was a bond between her and the minor children, she soon ceased to maintain her visitation schedule and apparently moved to Sault Ste. Marie. After April 2003, respondent-appellant did not participate in services, did not visit the children, and did not attend review hearings until the first termination

hearing in January 22, 2004. During this period, her attorney stated that he did not know how to contact her.

Furthermore, the evidence did not show that termination of respondent-appellant's parental rights was not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). The court heard testimony establishing that respondent-appellant's trailer had no running water and that she had insufficient ability to pay for the other utilities. In addition, respondent-appellant continued to keep company with inappropriate partners and used aliases to check into domestic violence shelters and to visit one of these partners in jail. A psychological evaluation noted that respondent-appellant seemed to have the ability to appropriately care for the minor children but needed more time to prove herself. Still, respondent-appellant had not participated in any services during the reporting period. Given respondent-appellant's emotional needs, choice of partners, and struggle to provide adequate housing with utilities and running water, the court did not err in finding that the evidence did not establish that termination of her parental rights was not in the best interests of the minor children.

We affirm.

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