

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TANYA BURROWS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TAMMY BURROWS,

Respondent-Appellant,

and

RICK JUDSON and SAMUEL BINION,

Respondents.

In the Matter of RICK JUDSON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TAMMY BURROWS,

Respondent-Appellant,

and

RICK JUDSON and SAMUEL BINION,

Respondents.

UNPUBLISHED
November 22, 2005

No. 261652
Kent Circuit Court
Family Division
LC No. 04-050176-NA

No. 261653
Kent Circuit Court
Family Division
LC No. 04-050177-NA

In the Matter of BILLY JUDSON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TAMMY BURROWS,

Respondent-Appellant,

and

RICK JUDSON and SAMUEL BINION,

Respondents.

No. 261654
Kent Circuit Court
Family Division
LC No. 04-050178-NA

Before: Murphy, P.J., and Sawyer and Meter, JJ.

MEMORANDUM.

Respondent Tammy Burrows appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Respondent argues that the trial court clearly erred in finding that the statutory grounds for termination were established by clear and convincing evidence. The trial court did clearly err in finding that section (c)(i) was established where respondent had rectified the condition leading to adjudication, her housing condition. However, this error is harmless where other statutory grounds for termination were established by clear and convincing evidence. MCL 712A.19b(3).

The trial court did not clearly err in finding that respondent failed to provide proper care and custody for her children and that she would not be able to do so within a reasonable time considering their ages. *In re Trejo Minors*, 462 Mich 341, 357; 612 NW2d 407 (2000). Because respondent was not able to implement parenting skills and was not emotionally stable, she was not able to provide proper care and custody for her children. She had one year to work on these issues and the caseworker addressed these issues at quarterly review hearings. Respondent still did not make progress in these areas and, therefore, there was no reasonable expectation that she would be able to provide proper care and custody for her children within a reasonable time.

The trial court also did not clearly err in finding that section (j) was established by clear and convincing evidence. At the visits that occurred outside the agency, there were numerous safety concerns. The children were also likely to be harmed by respondent's lack of parenting skills and emotional stability. The children's psychological evaluations revealed that the children needed a very structured environment, which respondent was not able to provide.

Further, both the evaluating psychologist and the caseworker were concerned that respondent mother would regress once services were withdrawn, meaning that the children would be living in a filthy, lice-ridden environment once again and that they would be ostracized by their peers for wearing dirty clothes and for their poor personal hygiene. Based on respondent's past response to intervention, the fear of regression was not unfounded, but appropriate. The trial court did not clearly err in finding that section (j) was established by clear and convincing evidence.

Respondent does not challenge the trial court's best interests finding, and we find that the trial court did not clearly err in its best interests determination. MCL 712A.19b(5).

Affirmed.

/s/ William B. Murphy

/s/ David H. Sawyer

/s/ Patrick M. Meter