

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRITNEY DESSARAY
EDWARDS, BRIANNA NICOLE TOFFELMIRE,
and LYNDIE ALEXANDRIA TOFFELMIRE,
Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHELLE MARCELLA TOFFELMIRE,

Respondent-Appellant.

UNPUBLISHED
December 15, 2005

No. 263023
Cass Circuit Court
Family Division
LC No. 03-000028-NA

Before: Smolenski, P.J., and Schuette and Borrello, JJ.

MEMORANDUM.

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

Initially, we note that petitioner's jurisdictional challenge is without merit. The timeliness of this appeal is governed by MCR 7.204(A)(1)(d). Respondent's claim of appeal was timely because respondent timely requested the appointment of an attorney and filed a claim of appeal within fourteen days after the appointment.

We further note that the trial court did not clearly err in finding that the statutory grounds for termination set forth in MCL 712A.19b(3)(g) and (j) were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). There was clear and convincing evidence that respondent exposed her children to her physically abusive relationships in the past and that her children were mentally and emotionally harmed by such exposure. In addition, there was evidence that respondent made no progress in resolving her domestic violence issues in the more than two years since her children were placed in foster care. Thus, the trial court did not err in terminating respondent's parental rights to the children.

Finally, the evidence did not show that termination of respondent's 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). Although there was evidence that respondent loved the children

and was bonded to them, there was also expert testimony that the children had been emotionally harmed by their exposure to violence and needed permanency immediately. Thus, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Michael R. Smolenski

/s/ Bill Schuette

/s/ Stephen L. Borrello