

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MICHAEL TROY, ADRIANNA
TROY, DARRELL TROY, WILLIAM TROY,
and CHRISTIAN TROY, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ELIZABETH TROY,

Respondent-Appellant.

UNPUBLISHED

May 13, 2008

No. 281373

Muskegon Circuit Court

Family Division

LC No. 03-032498-NA

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

MEMORANDUM.

Respondent appeals as of right from the circuit court order terminating her parental rights to the children under MCL 712A.19b(3)(c)(i), (g), and (j). Because clear and convincing evidence established a statutory basis for termination of parental rights and termination of parental rights was not clearly contrary to the best interests of the children, we affirm.

The circuit court did not clearly err in finding that the statutory grounds for termination of parental rights set forth in MCL 712A.19b(3)(c)(i) (conditions that led to adjudication continue to exist), (g) (failure to provide proper care and custody), and (j) (child will be harmed if returned to parent), were established by clear and convincing evidence. MCR 3.977(J); *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003). The evidence demonstrated that respondent did not benefit from the services provided to improve her parenting skills and to understand and remedy the issues facing her family, such as her pattern of putting the children in abusive situations. There was evidence that despite the services she received respondent still was not certain whether she would allow boyfriend, Edward Dykstra, who the children accused of physical abuse, to be around the children if her parental rights were not terminated. The testimony from the evaluating psychologist, caseworkers, counselors, teacher, and in-home mentor was congruent on respondent's parental deficiencies, lack of progress in remediation of her behavior and attitudes notwithstanding the provision of services, and a prognosis for her failure with harm to the children.

Furthermore, we find no clear error in the circuit court's finding that termination of respondent's parental rights was not contrary to the children's best interests. MCL 712A.19b(5);

In re Trejo, 462 Mich 341, 350; 612 NW2d 407 (2000). All of the children indicated that they loved respondent and wanted to continue to see her in the future, but they did not feel safe living with her. The children had been in foster care under the current petition for 13 months and under a previous petition with similar allegations for 21 months. They deserved the chance for stability and permanency. We, therefore, affirm the circuit court's order terminating respondent's parental rights to the children.

Affirmed.

/s/ Pat M. Donofrio

/s/ David H. Sawyer

/s/ William B. Murphy