

STATE OF MICHIGAN
COURT OF APPEALS

In re MICHAEL JENNINGS, MARCUS JENNINGS
and MARVIN MALLOY, Minors

DEPARTMENT OF SOCIAL SERVICES,

Petitioner-Appellee,

v

YOLANDA JENNINGS,

Respondent-Appellant,

and

MICHAEL GAINES,

Respondent.

UNPUBLISHED

October 10, 1997

No. 193167

Wayne Juvenile Court

LC No. 88-271157

Before: Doctoroff, P.J., and Cavanagh and Saad, J.J.

MEMORANDUM.

Respondent-appellant appeals as of right from the juvenile court order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(i), (c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(b)(i), (c)(i), (g) and (j). We affirm.

The juvenile court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, respondent-appellant did not show that termination was not in the children's best interest. Thus, the juvenile court did not err in ruling that her parental rights should be terminated. MCL 712A.19b(5); MSA 27.3178(598.19b)(5), *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997).

At the termination hearing, respondent-appellant admitted that she had not completed therapy and that she did not have her temper or anger under control at that time, but she needed additional time to complete therapy. However, she had not made any progress in therapy by the time of the termination hearing. Respondent-appellant's failure to progress in therapy regarding controlling her anger or temper provided clear and convincing evidence to support termination of her parental rights when she physically abused one of the children and, as a result, they were removed from her care. Given the lack of progress made by respondent-appellant, the juvenile court did not clearly err in terminating her rights even though she had relatives willing to care for the children. Placement of the children with relatives while respondent-appellant continued to seek treatment was clearly not in the children's best interests. *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991).

Affirmed.

/s/ Martin M. Doctoroff

/s/ Mark J. Cavanagh

/s/ Henry W. Saad