

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MICHAEL SKWIRSK, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ALICE GENEVIEVE WYMER,

Respondent-Appellant,

and

JAMES M. SKWIRSK,

Respondent.

UNPUBLISHED

December 22, 1998

No. 209484

Genesee Juvenile Court

LC No. 94-098728 NA

Before: Markman, P.J., and Bandstra and J.F. Kowalski*, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right the order of the juvenile court terminating her parental rights to the minor child under MCL 712A.19b(3)(b)(i), (b)(ii), (c)(i), (c)(ii), (g), and (j); MSA 27.3178(598.19b)(3)(b)(i), (b)(ii), (c)(i), (c)(ii), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondent-appellant argues that the juvenile court erred in terminating her parental rights. We disagree. Respondent-appellant first came to the attention of Children's Protective Services in 1993. Since then, many claims of neglect have been made against her. Respondent-appellant made very little progress towards complying with the parent-agency agreement. She continued to use marijuana, did not complete most of the required drug screens, was resistant to counseling, refused treatment for drug

* Circuit judge, sitting on the Court of Appeals by assignment.

abuse and domestic violence, and frequently exhibited her hostile temperament. She also failed to maintain a permanent home after Michael was removed from her care. Further, although respondent-appellant knew that her ten-year-old daughter, Jennifer, had been sexually abused by a male babysitter, she allowed the same man to babysit for her two younger children, including Michael, after finding out about the abuse. The juvenile court did not clearly err in finding that the statutory grounds for termination under §§ 19b(3)(b)(ii), (c)(i), (c)(ii), (g), and (j) were established by clear and convincing evidence.¹ MCR 5.974(I); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Further, the juvenile court correctly found that respondent did not come forward with evidence that termination of her parental rights was clearly not in the minor child's best interest. Therefore, the juvenile court did not err in terminating respondent's parental rights to the child. MCL 712A.19(b)(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, *supra*.

We affirm.

/s/ Stephen J. Markman

/s/ Richard A. Bandstra

/s/ John F. Kowalski

¹ Because there was no evidence that respondent herself directly injured or abused her children, we conclude that § 19b(3)(b)(i) was not applicable.