

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CECILLY WILSON and DRAKE
GALLANT, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

JACKI HATHAWAY,

Respondent-Appellant,

and

JASON WILSON and ERIK GALLANT,

Respondents.

UNPUBLISHED

December 21, 2001

No. 231801

Jackson Circuit Court

Family Division

LC No. 99-096137-NA

Before: Doctoroff, P.J., and Bandstra, C.J. and Wilder, J.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondent's first involvement with the FIA was in October 1, 1999, when the FIA filed a petition seeking temporary custody of CW and DW. After respondent agreed to seek assistance finding a home and agreed to a limited guardianship for her children, this petition was withdrawn on November 8, 1999. Nonetheless, on November 24, 1999, because respondent continually failed to maintain a stable living environment for herself and her children or provide proper care for her children, the FIA again filed a petition for temporary custody of CW and DW. Because these conditions continued to exist as of October 10, 2000, the FIA filed a petition for termination of parental rights under MCL 712A.19b(3)(c)(i) and (g).

Following the termination hearing, the trial court concluded that the statutory grounds for termination were established by clear and convincing evidence, *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); MCR 5.974(1), and that the evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. *In re Trejo*, 462 Mich 341, 356-257; 612 NW2d 407 (2000). Because we are unable to find clear error in these findings, we are unable to conclude that the trial court erred when it terminated respondent's parental rights. *In re Trejo, supra; In re Miller, supra.*

Affirmed.

/s/ Martin M. Doctoroff

/s/ Richard A. Bandstra

/s/ Kurtis T. Wilder