

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CHRISTOPHER VACEK,
CASSANDRA VACEK, and JESSICA CARVER,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DOREEN CARLSON,

Respondent-Appellant,

and

DAVID VACEK and ERIC CARVER,

Respondents.

UNPUBLISHED
February 19, 2002

No. 235208
Washtenaw Circuit Court
Family Division
LC No. 94-022704-NA

Before: Fitzgerald, P.J., and Hood and Sawyer, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(ii), (3)(c)(i), (3)(g), and (3)(j). We affirm.

Petitioner previously filed a petition in 1994, involving respondent, but the petition was dismissed when respondent satisfied conditions for reunification with her children. In 1999, respondent and her children were living with relatives when they were asked to leave. School officials and other service workers attempted to move respondent and her children to a shelter. The family was exited from the shelter due to the behavioral problems of the children. The children were removed from respondent's care, and respondent was given goals to fulfill to reunify with her children. After the children were removed from care, Eric Carver admitted to police that he had sexually abused the children. Despite this admission, respondent did not immediately terminate her relationship with Carver. Ultimately, respondent did not fulfill the conditions required to be reunited with her children. Respondent alleged that she was not provided sufficient services and needed an additional six months to a year to rectify the

conditions that caused the children to be placed in foster care or residential treatment. However, service workers testified that respondent's progress was slow, and she did not accept offers for service.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 352; 612 NW2d 407 (2000). Respondent did not take action to prevent abuse when advised of the possibility of its occurrence. There was no evidence that respondent could provide proper care and custody within a reasonable period of time considering the age of the children. Termination was required unless the court found that termination was clearly not in the children's best interests. *Id.* at 364-365. On this record, we cannot conclude that termination was clearly not in the children's best interests.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Harold Hood

/s/ David H. Sawyer