STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of J.B. and K.B., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LENA BOWRING,

Respondent-Appellant,

and

DANIEL BOWRING,

Respondent.

UNPUBLISHED
April 26, 2002

No. 233014
Allegan Circuit Court
Family Division
LC No. 98-023301-NA

In the Matter of B.W., JR., and S.W., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LENA BOWRING,

Respondent-Appellant,

and

BRETT WRIGHT, SR.,

Respondent.

No. 233015
Allegan Circuit Court
Family Division
LC No. 99-024285-NA

Before: Gage, P.J., and Griffin and G. S. Buth*, JJ.

PER CURIAM.

In these consolidated appeals, respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(g). We affirm.

The trial court did not clearly err in finding that the statutory ground for termination was established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 45 NW2d 161 (1989). The trial court correctly concluded, based on testimony from the children's therapists and documents contained in the lower court record, that the care the children received from respondent-appellant in the past was not emotionally or physically adequate to enable them to grow up as healthy children.

Respondent-appellant made some progress in improving her parenting abilities through parenting classes and counseling and did not appear to need further technical instruction on raising and disciplining the children. However, respondent-appellant did not progress in establishing an independent, stable lifestyle. She had a twelve-year history, since age sixteen, of making poor choices. She chose abusive men to live with, consistently broke the law which caused her to lose her driver's license at least twice and serve jail time for a felony conviction, and ignored her obligation to pay for rent, restitution, and traffic fines. Just during the course of these proceedings, respondent-appellant was evicted from two rental apartments and burned out of a trailer, lost all of her possessions twice, was incarcerated three times (a fourth incarceration occurred at the conclusion of the termination hearing), and seriously injured in a car accident. While not all of her incarcerations were for additional criminal activity, some were for failure to pay child support and restitution, most of respondent-appellant's difficulties were brought about by her own poor judgment.

In the year-and-a-half prior to the termination hearing, respondent-appellant had four different jobs, was homeless for a time, resided with her sister, and also resided in the trailer that burned, in an apartment from which she was evicted, in a cabin, and lastly with Junior. She asserted that she had found stability with Junior but had only resided with him for five to six months at the time of the termination hearing. Junior was not yet divorced.

Respondent-appellant brought to light facts about her physical and sexual abuse as a child just two months prior to the termination hearing. Although she felt she had dealt with that issue, her counselor believed she needed therapy for it because it would affect the way she raised her children.

The conclusion of the numerous members of the Family Assessment Clinic team, several FIA caseworkers and the children's therapists was that, although respondent-appellant was of normal intelligence, likeable, and had no substance abuse issues, she was not able to provide the minimally sufficient care for the children at the time of the termination hearing or in the near future. The possibility that she would be able to do so was described as "slim" and at a

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

"substantial risk" of reoccurring parenting problems, and returning the children to her was described as using the children as guinea pigs. Two years after losing custody of her children, respondent-appellant had still not exhibited the stability, competence, and good judgment required for raising four children with psychological needs. The children would be less emotionally damaged if allowed to maintain some contact with respondent-appellant, but termination was considered best even if no contact was possible.

After weighing the testimony of the many witnesses and the testimony revealing twelve years of respondent-appellant's poor judgment against respondent-appellant's argument that she had had a stable life for the past five to six months, the trial court correctly concluded that there was no reasonable likelihood that respondent-appellant would be able to provide proper care and custody of the children within a reasonable time. The trial court did not err in determining that clear and convincing evidence supported termination of respondent-appellant's parental rights pursuant to §19b(3)(g).

Finally, the trial court did not err in finding that termination was in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Hilda R. Gage
/s/ Richard Allen Griffin
/s/ George S. Buth