

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.R.B.K., K.J.K., and L.L.W.,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

TRACY SMITH,

Respondent-Appellant.

UNPUBLISHED

July 9, 2002

No. 237987

Branch Circuit Court

Family Division

LC No. 00-001526-NA

In the Matter of J.R.B.K., K.J.K., and L.L.W.,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

KIPPLYN KIDD,

Respondent-Appellant.

No. 238225

Branch Circuit Court

Family Division

LC No. 00-001526-NA

Before: Hood, P.J., and Saad and E. M. Thomas,* JJ.

PER CURIAM.

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

In these consolidated cases respondents appeal the trial court's order terminating their parental rights to their children pursuant to MCL 712A.19b(3)(b)(i) and (c)(i) and (ii).¹ We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

We hold the trial court did not clearly err in finding that petitioner established one or more statutory grounds for termination of respondents' parental rights. Although petitioner provided respondents with services for two years, respondents made little if any progress in addressing their difficulties with substance abuse, anger management, domestic violence, etc. Respondents' circumstances at the time of the termination hearing had not improved to any significant degree since the children were taken into custody. The trial court did not clearly err in finding that termination of respondents' parental rights was warranted on the grounds that one of the children suffered physical injury caused by respondent Kidd and it was reasonably likely the child would suffer similar abuse if placed in respondent's home, MCL 712A.19b(3)(b)(i),² the conditions that led to adjudication continued to exist and were not reasonably likely to be rectified within a reasonable time, MCL 712A.19b(3)(c)(i), and respondents failed to rectify conditions that caused the children to come within the court's jurisdiction, MCL 712A.19b(3)(c)(ii). The evidence did not show that termination of respondents' parental rights was clearly not in the children's best interests. MCR 5.974(I); *Trejo*, *supra*.

Affirmed.

/s/ Harold Hood
/s/ Henry William Saad
/s/ Edward M. Thomas

¹ The trial court's order also terminated the parental rights of non-participating respondent Terry Winger, Jr., the putative father of L.W. Winger has not appealed the order.

² The trial court found that this ground for termination was established as to respondent Kipplyn Kidd only.