

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.A.L., A.J.L., A.L.L., K.D.D.,
L.L.D., and K.L.D., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LOUISE JEFFERSON,

Respondent-Appellant,

and

KIM DOBSON,

Respondent.

UNPUBLISHED

July 19, 2002

No. 231030

Wayne Circuit Court

Family Division

LC No. 98-373893

Before: Talbot, P.J., and Cooper and D.P. Ryan*, JJ.

PER CURIAM.

Respondent appeals the trial court's order terminating her parental rights to her children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

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

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

¹ The trial court's order also terminated the parental rights of respondent Kim Dobson, the putative father of A.J.L., K.D.D., L.L.D., and K.L.D. Dobson has not appealed the order. The putative father of A.A.L. and A.L.L. is deceased.

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.* at 356-357.

We hold that the trial court did not clearly err in finding that petitioner established one or more statutory grounds for termination of respondent's parental rights. Contrary to respondent's assertion, her negative attitude was not the sole reason the children were removed from her custody. The trial court cited the lack of suitable housing for the children as the most significant reason for its decision. At the time the children were removed from respondent's custody, her home had no appliances, very little food, and no proper beds. At the time of the permanent custody hearing, respondent had moved to New York and had not established suitable housing for the children.

Respondent failed to substantially comply with her treatment plan. Respondent's circumstances at the time of the termination hearing had not improved since the children were removed from her custody. The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that the conditions that led to adjudication continued to exist and it was not reasonably likely the conditions would be rectified within a reasonable time considering the children's ages, MCL 712A.19b(3)(c)(i), that respondent failed to provide proper care or custody for the children and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that there was a reasonable likelihood that the children would be harmed if returned to respondent's care, MCL 712A.19b(3)(j). The evidence did not show that termination of respondent's parental rights was clearly contrary to the children's best interests. MCR 5.974(I); *Trejo, supra*.

Respondent was notified of the permanent custody hearing via publication for the reason that her correct address in New York was unknown. The notice was published in a newspaper in the county in which the action was pending, and thus was proper and adequate under the circumstances. MCR 5.920(B)(5)(c).

Affirmed.

/s/ Michael J. Talbot
/s/ Jessica R. Cooper
/s/ Daniel P. Ryan