

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of S.D.M. and C.D.S., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LINDA MALLOY,

Respondent-Appellant,

and

SHANNON SMITH and RODNEY GILBERT,

Respondents.

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

MEMORANDUM.

Respondent Linda Malloy appeals as of right the order terminating her parental rights to her minor children pursuant to MCL 712A.19b(3)(c)(i), (g) and (j). Respondents Shannon Smith and Rodney Gilbert did not contest the termination. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Under MCL 712A.19b(3), the petitioner for the termination of parental rights bears the burden of proving at least one ground for termination. *In re Trejo Minors*, 462 Mich 341; 617 NW2d 407 (2000). Once the petitioner has presented clear and convincing evidence that persuades the court that a ground for termination is established, termination of parental rights is mandatory unless the court finds that termination is clearly not in the child's best interests. *Id.* at 355-356. Decisions terminating parental rights are reviewed for clear error. *Id.* at 356.

Respondent's parental rights were terminated on three statutory grounds. The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions would be rectified within a reasonable time, MCL 712A.19b(3)(c)(i); respondent

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

failed to provide proper care and custody, MCL 712A.19b(3)(g); and there was a reasonable likelihood that the children would be harmed if returned to her home, MCL 712A.19b(3)(j).

There was clear and convincing evidence to support the termination on all three grounds. Respondent had serious mental health problems, as indicated by her hospitalizations. She did not comply with the terms of her parent/agency agreement. She did not cooperate with her caseworker, failed to participate in therapy, and she failed to produce any documentation showing an income or that she completed parenting classes. There was no showing that she could provide a proper and safe home for the children. The court did not err in finding that termination would be in the best interests of the children.

Affirmed.

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