

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of G.A.D. and Z.T.D., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARY LOUISE DAVIS,

Respondent-Appellant.

UNPUBLISHED

November 26, 2002

No. 240917

Washtenaw Circuit Court

Family Division

LC No. 00-024917-NA

Before: Markey, P.J., and Saad and Smolenski, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to her children pursuant to MCL 712A.19b(3)(c)(i) and (ii), (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 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 by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights. Petitioner afforded respondent various services for nearly two years; however, respondent made virtually no progress in addressing the issues that led to her children being removed from her custody. Respondent was unemployed, and failed to provide

¹ The trial court did not terminate the parental rights of non-participating respondents Emmanuel Unobagha, the father of G.A.D., and Darrell Littleworth, the father of Z.T.D. The children were placed with their fathers.

proof that she had suitable housing. Failure to substantially comply with a parent-agency agreement is evidence that return of the child to the parent could cause a substantial risk of harm to the child. MCR 5.973(C)(4)(b).

Respondent's mental illness caused her to suffer from hallucinations and to hear voices. As of the date of the permanent custody hearing, respondent was not yet able to participate in therapy in a meaningful way. No evidence showed that several additional months of therapy would result in significant progress. 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, had not been rectified, and were not likely to be rectified within a reasonable time, MCL 712A.19b(3)(c)(i) and (ii), 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 not in the children's best interests. MCL 712A.19b(5); *Trejo, supra*.

Affirmed.

/s/ Jane E. Markey

/s/ Henry William Saad

/s/ Michael R. Smolenski