

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of RUSSELL BURCH and
MICHAEL JONES, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

AMBER MARIE JONES-BURCH,

Respondent-Appellant,

and

PAUL BURCH,

Respondent.

UNPUBLISHED
November 25, 2003

No. 247600
Kalamazoo Circuit Court
Family Division
LC No. 99-000196-NA

Before: Sawyer, P.J., and Griffin and Smolenski, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(j). We affirm.

The trial court did not clearly err in finding that MCL 712A.19b(3)(j) (children will be harmed if returned to parent) was established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence established that respondent-appellant was unable to independently parent the children, who had numerous special needs, and that she had not developed a consistent and reliable support network, despite the many services she received while the children had been in foster care on two separate occasions. Respondent-appellant was unable to recognize safety dangers in her home, and her inability to control the children combined with her own physical limitations often exposed the children to dangerous situations. Additionally, respondent-appellant's dependent personality caused her to form relationships with relative strangers, many of whom she allowed into her home, often overnight.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the best interests of the children. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although the evidence established that respondent-appellant loved the children and that a bond existed between her and the children, the children had already spent a considerable portion of their young lives in foster care. The evidence also established that these children needed immediate permanency and that any further delay in permanency would lead to further developmental harm. Under these circumstances, we find that the trial court did not clearly err in terminating respondent-appellant's parental rights.

Affirmed.

/s/ David H. Sawyer

/s/ Richard Allen Griffin

/s/ Michael R. Smolenski