

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MERCEDES HOYLAND, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

AMY RENEE PARKER,

Respondent-Appellant,

and

JASON VANCE HOYLAND,

Respondent.

UNPUBLISHED
December 2, 2003

No. 248181
Clinton Circuit Court
Family Division
LC No. 02-015473-NA

Before: Murray, P.J., and Gage and Kelly, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court's termination of her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(ii), (g), and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were proven by clear and convincing evidence. MCR 5.974, now MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Statutory grounds were established by proof of respondent-appellant's continued relationship with respondent father.¹ Respondent-appellant was fourteen and the father was thirty years old when the minor child was born in April 2002. About two years prior to this minor child's birth, the father had been charged with neglect based on "squalid" living conditions and other problems suffered by the minor children living in the home he shared with an earlier girlfriend. He had subsequently released his rights to his children in that case. Despite knowing about respondent father's history of neglectful parenting, respondent-appellant maintained her relationship with him and allowed him to have contact with

¹ The father did not appeal the trial court's termination of his parental rights.

the minor child in contravention of numerous court orders. After being clearly told that she needed to choose between the father and the minor child, respondent-appellant wrote a letter asking for leniency from the sentencing judge in charge of the father's criminal conviction for having sex with the underage respondent-appellant. Respondent-appellant's refusal to terminate her relationship with the father was a condition that was not rectified at the time of termination, as well as a failure to provide proper care for the child, and caused the reasonable likelihood that the child would be harmed if returned to respondent-appellant's home.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. *Trejo, supra* at 356-357. Although testimony was presented that respondent-appellant appropriately filled the minor child's nourishment and clothing needs, other evidence demonstrated respondent-appellant's placement of her desires over the needs of the minor child. Thus, the trial court did not err in terminating respondent-appellant's parental rights to the child.

Affirmed.

/s/ Christopher M. Murray
/s/ Hilda R. Gage
/s/ Kirsten Frank Kelly