

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CHRISTOPHER DERUYSCHER,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SUSAN DERUYSCHER,

Respondent-Appellant.

UNPUBLISHED
December 16, 2003

No. 247515
Kalamazoo Circuit Court
Family Division
LC No. 01-000115-NA

Before: Fitzgerald, P.J., and Neff and White, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g). We affirm.

Respondent argues that this was a dirty house case that got out of hand because of the caseworker's uninformed decision to have the city inspect her house. The caseworker believed that funds would be available to repair respondent's house if it were inspected by the city. This proved not to be the case, and respondent's house was ultimately condemned for code violations. However, respondent's parental rights were not terminated because of the condemned house. Respondent failed to keep her home clean while the child was with her. She did not maintain his hygiene. Her chain smoking caused the child medical problems, yet she did not quit. She failed to provide adequate nutrition for the child. She failed to improve her financial security by obtaining employment or budgeting, instead spending \$100 per month of her limited funds on cable TV and allowing other people to live in the home without paying any rent.

Respondent also argues that the issue of an environment to stimulate the child's education capacity was not alleged in the petition and came up only near the end of the termination hearing. However, the parent/agency agreement required that respondent provide her child with a safe, clean, and nurturing home. Contrary to respondent's assertions, this would include an environment that stimulated the child's educational capacity. The trial court did not clearly in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993).

Further, although respondent and the child were attached to each other, the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). It was in the child's best interests that he live in a clean home where his medical, nutritional, and educational needs would be met. The evidence showed that the child deteriorated when he was returned to respondent's care. Thus, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Janet T. Neff

/s/ Helene N. White