

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CARLTON ANDREW
BAKELEY, ANNETTE MARIA BAKELEY II,
and MORDECAI JORDDAN BAKELEY, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
November 30, 2006

Petitioner-Appellee,

v

ANNETTE MARIE BAKELEY,

No. 268397
Wayne Circuit Court
Family Division
LC No. 02-412276-NA

Respondent-Appellant,

and

CARLTON FOSTER,

Respondent.

Before: White, P.J. and Zahra and Kelly, JJ.

MEMORANDUM.

Appellant appeals of right the trial court's order terminating her parental rights under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. We decide this case without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding the statutory grounds for termination proven by clear and convincing evidence. MCR 3.977(J). The condition leading to adjudication was housing. When the children were taken into the court's temporary custody, the home in which they lived was in deplorable condition, there was virtually no food in the house, and the children were filthy. During the three years this case was pending, appellant was evicted from five homes for nonpayment of rent and did not maintain any home for a significant amount of time. Although appellant had suitable housing at the time of trial, she had not maintained that housing for a significant amount of time considering her history of instable housing. There was no reasonable likelihood that appellant could provide for her children within a reasonable time where she could not maintain stable housing and did not finish ordered counseling, despite having three years to do so. Appellant's lack of motivation to complete her parent-agency

service plan over an extended period of time evidenced an inability to provide appropriate care for her children. MCL 712A.19(3)(g).

We also find that the trial court did not clearly err in finding that termination was not contrary to the children's best interests. MCL 712A.19b(5). Although the children and appellant were well bonded, too much time had passed without appellant making adequate progress for the return of the children. Three years was too long for these children to be in foster care and, even at the time of trial, appellant was not ready for the return of her children. The trial court did not err in terminating respondent-appellant's parental rights.

Affirmed.

/s/ Helene N. White
/s/ Brian K. Zahra
/s/ Kirsten Frank Kelly