

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AUTUMN LANE SAMBRANO,
ANTONIA ROSE SAMBRANO, and MICHAEL
CLAYTON SAMBRANO, Minors.

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

UNPUBLISHED
December 19, 2006

Petitioner-Appellee,

v

LYNETTE JEANE SAMBRANO

Respondent-Appellant,

and

ANTONIO SAMBRANO II,

Respondent.

No. 267202
Oakland Circuit Court
Family Division
LC No. 03-680769-NA

Before: Murphy, P.J., and Smolenski and Kelly, JJ.

PER CURIAM.

Respondent-appellant appeals from the trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm.

Respondent-appellant claims that the trial court clearly erred in determining that one or more statutory grounds for termination were established by clear and convincing evidence. We disagree. In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993). "Once a ground for termination is established, the court must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000); MCL 712A.19b(5). We review the trial court's determination for clear error. *Id.* at 356-357.

We find no clear error in the trial court's determination that statutory grounds for termination under subsections (c)(i) and (g) were established by clear and convincing evidence.

Id. The conditions that led to the adjudication of the children in this case involved the parents' failure to provide proper care and custody for the children, including a lack of housing, neglect, inconsistent employment, and substance abuse. The evidence revealed a clear inability on the part of respondent-appellant over the more than two-year proceedings to maintain stable housing and employment or to develop a custodial plan for her children, requirements that were among the requirements of the court-ordered Parent-Agency Agreement and/or the court's dispositional order intended to address the conditions that led to the adjudication of the children. During the brief period when the children were returned to respondent-appellant's care, she lost her employment and was evicted from her housing resulting in the children's removal from her home. Thereafter, she was unable to maintain replacement housing, did not have independent housing by the time of the termination trial, and her compliance with the terms of her Parent-Agency Agreement deteriorated towards the end of the proceedings. Such inaction, coupled with her failure to appear during both phases of the termination proceedings despite having notice thereof, showed that she would likely not make a meaningful effort towards reunification if given more time to do so. On this record, termination was warranted under subsections (c)(i) and (g).

After considering the record in its entirety, we likewise find no clear error in the trial court's determination that the evidence failed to show that termination was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357. Although the evidence showed that the children and respondent-appellant shared a bond and she made an effort to continue her relationship with her children by consistently visiting them and engaging in family counseling with them, clearly she had not resolved her housing and employment issues that brought the children into the temporary custody of the court. The record revealed that the children, given their older ages, needed stability and a parental figure, which respondent-appellant clearly could not provide. Her failure to attend the termination proceedings or to substantially comply with the terms of her Parent-Agency Agreement towards the end of the proceedings reinforced this conclusion that she could not provide the children with the stability they needed. Moreover, the record revealed that the children's "will and want" to visit respondent-appellant deteriorated throughout the proceedings.

Affirmed.

/s/ William B. Murphy
/s/ Michael R. Smolenski
/s/ Kirsten Frank Kelly