

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.L. and J.L., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

VERONICA KITTELL,

Respondent-Appellant.

UNPUBLISHED

November 26, 2002

No. 239433

Calhoun Circuit Court

Family Division

LC No. 00-000200-NA

Before: Markey, P.J., and Saad and Smolenski, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to her children pursuant to MCL 712A.19b(3)(g).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

We hold the trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of a statutory ground for termination of respondent's parental rights. Respondent partially complied with the parent-agency agreement, but made virtually no progress in counseling and failed to secure suitable, independent housing. Respondent remained unable to make independent decisions, notwithstanding the fact that she was afforded an extended period of time in which to develop that skill. The trial court's finding

¹ The trial court's order also terminated the parental rights of non-participating respondent Craig Ladley, the children's father. Ladley has not appealed the order.

that respondent's inability to make decisions regarding her own life rendered her incapable of caring for two very young children was not clearly erroneous. *Sours, supra*. The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the ground that respondent failed to provide proper care or custody for the children and could not be expected to do so within a reasonable time. MCL 712A.19b(3)(g). The evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo, supra*.

Affirmed.

/s/ Jane E. Markey

/s/ Henry William Saad

/s/ Michael R. Smolenski