

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of T.J.M. and P.P.M., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JEANETTE MANNING,

Respondent-Appellant.

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UNPUBLISHED  
February 18, 2003

No. 240123  
Wayne Circuit Court  
Family Division  
LC No. 99-379207

Before: O'Connell, P.J., and Fitzgerald and Murray, 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)(c)(i), (g), and (j).<sup>1</sup> 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.

The trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights. Respondent voluntarily placed the children with her mother because she lacked suitable housing and was financially and emotionally unable to care for them. Subsequently, the children were placed in foster care. Respondent complied with some aspects

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<sup>1</sup> Respondent erroneously asserts on appeal that the trial court also terminated her parental rights pursuant to MCL 712A.19b(3)(a)(ii). The trial court's order did not terminate the parental rights of Thomas Manning, the children's father.

of the parent-agency agreement; however, she failed to obtain suitable housing and to make significant progress in dealing with her mental health issues. The evidence showed that respondent's circumstances at the time of the permanent custody hearing were essentially unchanged from the time that the children were placed in foster care. Respondent's failure to substantially comply with the parent-agency agreement constituted evidence that returning the children to her custody could cause a substantial risk of harm to the children. MCR 5.973(C)(4)(b).

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that the conditions that led to the adjudication continued to exist and were unlikely to be rectified within a reasonable time, MCL 712A.19b(3)(c)(i), 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), and that it was reasonably likely that the children would be harmed if they were returned to respondent's custody, MCL 712A.19b(3)(j). 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/ Peter D. O'Connell  
/s/ E. Thomas Fitzgerald  
/s/ Christopher M. Murray