

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of S.S.S., K.L.W., D.C.W., K.D.W.,
S.Y.W., and K.T.W., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CYNTHIA ROCHELLE TURNER-SCHULTZ,

Respondent-Appellant,

and

CALVIN F. SCHULTZ and KITREL WILLIAMS,

Respondents.

UNPUBLISHED

May 22, 2003

No. 243092

Wayne Circuit Court

Family Division

LC No. 91-295645

Before: Whitbeck, C.J., and White and Donofrio, JJ.

MEMORANDUM.

Respondent-appellant appeals by delayed leave granted from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(ii), (g), and (j). We affirm.

The trial court did not err in determining that at least one statutory ground for termination had been met by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent-appellant failed to protect the children from their father's serious physical abuse and condoned such abuse as a form of discipline. Respondent-appellant resolved to discipline in a more appropriate manner, completed parenting classes and a year of counseling, complying in part with her parent-agency agreement, so that a fifteen-year-old son was returned to her care. However, respondent-appellant failed to comply with in-home services following her son's return and he consistently did not go to school. A home visit in April 2001 revealed there was no refrigerator, stove, operable plumbing or gas on in the home. The trial court did not err in determining that the evidence clearly showed that the children would not receive proper care or custody if returned to the home and would likely suffer physical harm.

Further, the evidence did not show that termination of parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not clearly err in terminating respondent-appellant's parental rights to the minor children.

Affirmed.

/s/ William C. Whitbeck
/s/ Helene N. White
/s/ Pat M. Donofrio