

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of GARY MICHAEL
KOWALCZYK and KYLE EDWARD GLEN
MORGAN, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MELANIE LOUISE MORGAN, a/k/a MELANIE
LOUISE MORGAN CHAMPINE,

Respondent-Appellant,

and

STANLEY KOWALCZYK II,

Respondent.

UNPUBLISHED

February 6, 2007

No. 271396

Wayne Circuit Court

Family Division

LC No. 03-425278-NA

Before: Sawyer, P.J., and Fitzgerald and Donofrio, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination of respondent-appellant's parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The conditions causing the children's wardship in this proceeding were respondent-appellant's lack of parenting skills, environmental neglect, lack of financial resources to provide for the children, and anger management issues leading to domestic violence or, in essence, her inability to provide the children with proper care or custody. More than 182 days elapsed between the July 21, 2004 adjudication and June 5, 2006 termination hearing.

The evidence showed that respondent-appellant exhibited some strengths during the course of this proceeding, including average intelligence, the cognitive ability to be a suitable

parent, lack of substance abuse issues, physical health, consistent contact with the caseworker, and progress in counseling. However, the evidence also showed that for nearly ten years, since 1996, respondent-appellant had not been able to maintain a home free of issues requiring protective services intervention and was unable to maintain stable relationships with the fathers of her children. In addition, even though she had received Families First services twice in the past, fairly consistently attended counseling during this two-year proceeding, completed two sessions of parenting classes, and had no barriers to employment, the evidence at the time of termination showed that she had not maintained employment for any significant length of time, provided a stable home for her children in which they would receive proper care and effective parenting, or demonstrated good decision making in her personal relationships, as evidenced by her marriage to Champine. Although respondent-appellant argues that there were no allegations of abuse against Champine in his child protective proceeding, he was a detriment to respondent-appellant and her children because his lack of care and concern for his children was proven, and he was as unemployed and without housing as was respondent-appellant.

Given the fact that respondent-appellant had not demonstrated an ability to provide the children with proper care despite numerous interventions over the years and two years of services in this case, there was no reasonable likelihood that she would be able to properly care for them within a reasonable time. If returned to her, the children would likely suffer continued neglect.

The trial court did not err in terminating respondent-appellant's parental rights under MCL 712A.19b(3)(c)(i), (g), and (j). The court did not improperly base termination on her marriage to Champine, but on clear and convincing evidence that respondent-appellant did not rectify her inability to provide proper care for the children.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence of a strong bond between Kyle and respondent-appellant and his preference to reside with her, and perhaps a lesser bond between Gary and respondent mother, was outweighed by the fact that they would suffer continued neglect in her care.

Affirmed.

/s/ David H. Sawyer
/s/ E. Thomas Fitzgerald
/s/ Pat M. Donofrio