

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHELBY WILLSON and
AUSTIN WILLSON, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CINDY ARGETSINGER,

Respondent-Appellant

and

TIMOTHY WILLSON,

Respondent.

UNPUBLISHED
October 21, 2003

No. 247935
Antrim Circuit Court
Family Division
LC No. 01-001686-NA

Before: Bandstra, P.J., and Hoekstra and Borrello, JJ.

PER CURIAM.

Respondent Cindy Argetsinger, the mother of Shelby Willson (dob 6/28/00) and Austin Willson (dob 12/04/97), appeals as of right from the opinion and order terminating her parental rights under MCR 712A.19b(3)(c), (g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Under MCL 712A.19b(3), the petitioner for the termination of parental rights bears the burden of proving at least one ground for termination. *In re Trejo Minors*, 462 Mich 341, 355; 612 NW2d 407 (2000). Once the petitioner has presented clear and convincing evidence that persuades the court that a ground for termination is established, termination of parental rights is mandatory unless the court finds that termination is clearly not in the child's best interests. *Id.* at 355-356. Decisions terminating parental rights are reviewed for clear error. *Id.*

We find no clear error in the trial court's finding that termination of parental rights was justified under MCL 712A.19b(3)(c). The trial court found that respondent still could not provide an adequate home even though the 182-day deadline had elapsed. There was no evidence that respondent was taking realistic steps toward acquiring adequate housing. She failed to take advantage of housing assistance by filing the necessary paperwork, continued to

reside with her boyfriend at his mother's residence, and had been unable to maintain employment.

We also find no clear error in the trial court's finding that termination of parental rights was justified under MCL 712A.19b(3)(g). The evidence established that respondent was resistant to counseling, and that she had not taken significant steps to move into a position where she could care for her children. She was living with a man whose history flagged problems, she had not been able to maintain stable employment that might have provided her with the ability to provide a home, and there was no indication that her situation was going to improve in the foreseeable future.

Finally, there was no clear error with respect to the finding relative to subsection (j), the potential for harm to the children. Respondent's testimony established that it was likely that she would fail to take adequate steps to protect the children from her brother and her boyfriend. When a parent permits an environment to continue in which the child will likely be abused, this can constitute neglect. *In the Matter of Rinesmith*, 144 Mich App 475, 483-484; 376 NW2d 139 (1985).

Respondent also argues that even if the statutory criteria for termination was established, petitioner should have been required to put forth evidence to rebut the proposition that continued contact would be in the children's best interests. Because clear and convincing evidence established a basis for termination, the trial court's finding regarding the children's best interests was not clearly erroneous. *Trejo, supra* at 344, 350.

Affirmed.

/s/ Richard A. Bandstra
/s/ Joel P. Hoekstra
/s/ Stephen L. Borrello