

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of NISA MARIE HILDRETH,  
HAZEL MARIE HILDRETH, and WILLIAM  
JAMES HILDRETH III Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DIANA MARIE REYNOLDS,

Respondent-Appellant

and

WILLIAM HILDRETH,

Respondent.

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UNPUBLISHED

January 8, 2004

No. 245740

Wayne Circuit Court

Family Division

LC No. 99-383111

Before: Donofrio, P.J., and Griffin and Jansen, 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)(c)(i), (g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The principal conditions that led to the adjudication were the filthy and unsanitary conditions of the home and the presence of domestic violence in the home. Where the evidence showed that, throughout these proceedings, respondent-appellant never demonstrated an ability to maintain a suitable home for the children and in fact lacked any housing for them at the time of the termination trial, termination of her parental rights under MCL 712A.19b(3)(c)(i) was not clearly erroneous. The same evidence supports the trial court's conclusion that respondent-appellant would not be able to provide proper care and custody for the children in the reasonable future considering their ages, and that there was a reasonable likelihood the children would be harmed if returned to respondent-

appellant. MCL 712A.19b(3)(g) and (j). In addition to respondent-appellant's lack of housing, we note that she failed to submit any drug screens, failed to complete domestic violence counseling, and in the month before the termination trial became difficult to contact. Respondent-appellant's failure to sustain her efforts at improvement offers little hope that she will be able to provide proper care and custody for the children in the reasonable future. See *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003) (failure to carry through with treatment plan is evidence of failure to provide proper care and custody).

Further, the evidence did not show that termination of respondent-appellant's 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). Although respondent-appellant visited the children regularly and was appropriate with them, the evidence, unfortunately, indicated that she is not able to provide a safe and suitable home for them. The children have been in care for more than three years and are now in need of permanency and stability.

Affirmed.

/s/ Pat M. Donofrio  
/s/ Richard Allen Griffin  
/s/ Kathleen Jansen