

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of D.V.I.G., E.V.I.G., S.L.D.M., and  
T.S.E.M., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ERNESTINE DENISE PAYTON,

Respondent-Appellant,

and

MELVIN HENRY GRANT and ROBERT  
MONCURE, a/k/a BOBBY MONCURE,

Respondents.

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UNPUBLISHED

May 11, 2004

No. 251070

Wayne Circuit Court

Family Division

LC No. 00-391515

Before: Cavanagh, P.J., and Murphy and Smolenski, JJ.

MEMORANDUM.

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(A) and (E).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. See MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The conditions that led to adjudication were respondent-appellant's neglect and abuse of the children. The evidence clearly and convincingly demonstrated that respondent-appellant failed to comply fully with the parent-agency agreement. After more than three years of intervention, respondent-appellant never reached a point where she could parent her children with consistency and stability. At the time of termination, respondent-appellant's home still was not prepared for the children; she did not have employment; and she failed to establish that she was living a drug-free lifestyle. Further, respondent-appellant did not attend the court ordered counseling for any appreciable period.

Because respondent-appellant did not participate and/or benefit from the services offered, the conditions that led to adjudication continued to exist at the time of termination and there was no reasonable likelihood that the conditions would be rectified within a reasonable time.

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

Affirmed.

/s/ Mark J. Cavanagh  
/s/ William B. Murphy  
/s/ Michael R. Smolenski