

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LISA MARIE GILL,
SYMPHONY LICOLE GILL, CLINTON JONAS
MASSEY, NIA SIMONE MASSEY, and MIA
MASSEY, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellant,

v

KAM K. GILL,

Respondent-Appellant,

and

CURTIS L. MASSEY,

Respondent.

UNPUBLISHED

April 15, 2008

No. 279736

Wayne Circuit Court

Family Division

LC No. 04-432662-NA

Before: Jansen, P.J., and Donofrio and Davis, 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). Because the trial court did not clearly err in finding clear and convincing evidence to support the statutory grounds for termination of parental rights and did not err in its best interests determination, we affirm.

Respondent-appellant contends that the trial court clearly erred in finding that petitioner had made reasonable efforts to aid reunification, as required by MCL 712A.18f(1), (2), and (4), and in terminating her parental rights. A claim that the respondent was not provided reasonable services directed toward reunification is relevant to the sufficiency of the evidence for termination of parental rights. *In re Newman*, 189 Mich App 61, 66-69; 472 NW2d 38 (1991). We review the trial court's decision under the clearly erroneous standard. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005). Our review of the record reveals that petitioner provided numerous services and referrals to respondent-appellant. However, respondent-appellant did not follow through on

the referrals and did not benefit from the services in which she participated. The trial court did not clearly err in finding that the services provided by the agency were reasonable and sufficient. *Newman, supra* at 66-69. Moreover, because respondent-appellant did not benefit from the services and remained unable to provide proper care and custody for her children, we conclude that clear and convincing evidence supported the statutory grounds for termination. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993).

The trial court also did not clearly err in its best interests determination. Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court is required to order termination of parental rights, unless the court finds from evidence on the whole record that termination is clearly not in the child's best interest. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). Respondent-appellant's children were under the jurisdiction of the court for three years. The conditions that led to the adjudication including inappropriate housing, inadequate source of income, and respondent-appellant's inability to parent the children without supervision, continued to exist. The children needed permanence and stability, and their needs must prevail over respondent-appellant's desire to parent them.

Affirmed.

/s/ Kathleen Jansen
/s/ Pat M. Donofrio
/s/ Alton T. Davis