

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of STEVE MATTHEW
PIGNATELLI, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

STEVE MURDAY,

Respondent-Appellant,

and

JOANNE MARIE PIGNATELLI,

Respondent.

In the Matter of JESSICA MARIE PIGNATELLI,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOANNE PIGNATELLI,

Respondent-Appellant.

UNPUBLISHED

June 8, 2004

No. 252495

Saginaw Circuit Court

Family Division

LC No. 02-027783-NA

No. 252622

Saginaw Circuit Court

Family Division

LC No. 02-027782-NA

In the Matter of STEVE MATTHEW
PIGNATELLI, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOANNE PIGNATELLI,

Respondent-Appellant,

and

STEVE MURDAY,

Respondent.

No. 252623
Saginaw Circuit Court
Family Division
LC No. 02-027783-NA

Before: Sawyer, P.J., and Gage and Owens, JJ.

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right from the trial court orders terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

For both respondents, the conditions that led to adjudication included substance abuse and domestic violence. These conditions continued throughout the case. There was considerable testimony concerning respondents' continued use of alcohol. Respondents continued to live together up to the termination hearing despite numerous instances of domestic violence that were documented, including incidents in which respondent Murday hit respondent Pignatelli in a bar and in which he bit her in the face and destroyed her belongings. He also threatened her life numerous times, once in front of their young son. For her part, respondent Pignatelli tried to run respondent Murday over with a car in the presence of their son. This was clear and convincing evidence under MCL 712A.19b(3)(c)(i).

Respondents' conduct also prevented them from providing proper care and custody to the children and indicate a risk of harm to the children following likely continued substance abuse and domestic violence. Respondent Pignatelli verbally abused her daughter through statements she made, and respondent Murday emotionally abused the son by threatening his mother. The trial court clearly did not err in finding that the statutory grounds for termination were

established by clear and convincing evidence. MCR 3.977(G); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Furthermore, we find no evidence showing that termination was clearly not in the children's best interests, particularly given the substance abuse and domestic violence and the likelihood that these conditions will continue. 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 respondents' parental rights to the children.

Affirmed.

/s/ David H. Sawyer

/s/ Hilda R. Gage

/s/ Donald S. Owens