

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LESLIE CUNNINGHAM and
ROBERT CUNNINGHAM, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

AIMEE CUNNINGHAM,

Respondent-Appellant.

UNPUBLISHED
April 20, 2004

No. 250471
Wayne Circuit Court
Family Division
LC No. 02-406823

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

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(i), (g), (j), and (k)(vi). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence revealed that respondent pleaded not guilty by reason of insanity to the murder of her youngest child. There was sufficient evidence to support termination under subsections (b)(i), (j), and (k)(vi).

The record also revealed respondent was institutionalized at the time of trial, and that there was no clear indication when her mental health would be such that she could be released. It was also unclear whether or not she would be able to function normally outside a structured environment. There was a high probability that respondent would become a threat to herself or to others if she failed to take her medication and cooperate with treatment.

Further, the evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353-357; 612 NW2d 407 (2000). Respondent did not argue this issue on appeal and an independent review of the record did not reveal evidence indicating termination would be against

the interests of the children. Thus, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

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