

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of COSHAYE JABREEZE
ANTONIO JOHNSON, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DENITA JOHNSON,

Respondent-Appellant,

and

LEE ANTONIO REED,

Respondent.

In the Matter of DAVANT LAVELLE JOHNSON
and ISEANA GERALDINE NICOLE STACKER,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DENITA JOHNSON,

Respondent-Appellant,

and

LEONTIS ROSEBURGH,

Respondent.

UNPUBLISHED
September 29, 2005

No. 260656
Berrien Circuit Court
Family Division
LC No. 2004-000032-NA

No. 260657
Berrien Circuit Court
Family Division
LC No. 2003-000082-NA

Before: Bandstra, P.J., and Neff and Donofrio, JJ.

PER CURIAM.

In these consolidated appeals, respondent Denita Johnson appeals as of right from the trial court orders terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding the statutory grounds for termination established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

The principal condition that led to adjudication regarding respondent's two older children was that respondent's home was not fit or appropriate for children. Respondent failed to obtain and maintain appropriate housing throughout the duration of this case. In addition, respondent failed to obtain employment. We acknowledge that respondent testified that she was applying for SSI because she suffered from social anxiety and depression. However, at the time of the termination hearing, she still had not received such benefits. Without a source of income, respondent would not be able to eventually provide an appropriate home for her children. Therefore, the trial court did not clearly err in finding that the condition that led to adjudication continued to exist and was not reasonably likely to be rectified within a reasonable time considering the ages of the children. MCL 712A.19b(3)(c)(i).

Respondent contends that the trial court erred in terminating her parental rights pursuant to MCL 712A.19b(3)(g) because her limited intellect as well as two pregnancies interfered with her ability to make as much progress as she otherwise might have made. Respondent failed to timely raise this issue when the service plan was adopted and thus waived this argument. *In re Terry*, 240 Mich App 14, 26 n 5; 610 NW2d 563 (2000). Moreover, as already noted, respondent failed to obtain appropriate housing and a source of income. In addition, it was recommended that respondent participate in parenting classes and attend individual therapy for her anger management and depression issues. Respondent participated in a parenting class but did not actively participate in counseling during the duration of the case. Because respondent did not have appropriate housing and a source of income and had not fully addressed her anger management and depression, the trial court did not clearly err in finding that respondent failed to provide proper care or custody for her children and that there was no reasonable expectation that she would be able to provide such care within a reasonable time considering the children's ages.

Furthermore, the evidence did not establish that termination of respondent's parental rights was not in the children's best interests. MCL 712A.19b(5). There was testimony that respondent regularly visited her children. However, these young children needed more than a parent visiting them. They needed a parent who could provide them with a stable home. After receiving services for more than a year, respondent was still not close to being able to provide this for her children.

Affirmed.

/s/ Richard A. Bandstra

/s/ Janet T. Neff

/s/ Pat M. Donofrio