

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JASON HAMMOND II and
KENDRA ISABELLA CHENNEY HAMMOND,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JASON A. HAMMOND and MISTY L.
HAMMOND,

Respondents-Appellants.

UNPUBLISHED
August 9, 2005

No. 259753
Jackson Circuit Court
Family Division
LC No. 03-002630-NA

Before: Cooper, P.J., and Fort Hood and R. S. Gribbs*, JJ.

MEMORANDUM.

Respondents appeal as of right from the order terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(ii), (c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument under MCR 7.214(E).

The trial court did not clearly err in determining that at least one statutory ground for termination had been established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). The conditions that led to adjudication included the unsanitary condition of respondents' home, their lack of proper supervision of their children that resulted in an injury to then twenty-two-month-old Jason, and respondents' mental health issues and unemployment. Respondents did make progress with regard to the condition of their home. However, at the time of trial, there were still some safety and sanitary issues. Thus, the trial court did not clearly err in finding that the issue of providing a safe and habitable environment continued to exist. Given the amount of time respondents were given to address the condition of their home, and their failure to fully address this issue in that time period, the trial court did not clearly err in finding that this condition would not be rectified within a reasonable time. Further, although respondents were required to attend individual therapy and have their medication managed, they did not attend therapy and were not consistently taking their medication. Respondent-mother had a legal

* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

source of income, receiving SSI and having a paper route, but her income was not sufficient to support the family and respondent-father worked only sporadically. Therefore, the trial court did not err in finding that statutory grounds for termination had been established by clear and convincing evidence.

The trial court also did not clearly err in making its best interests determination. MCL 712A.19b(5); *In re Trejo, supra* at 354. At the time of trial, respondents could not provide a safe and sanitary home for these children and had not fully addressed their emotional issues. Respondents obviously loved their children. But the children needed more than love. They needed a safe and stable environment and parents who were fully addressing their emotional issues. Thus, the trial court did not err in determining that termination of respondents' parental rights was not only not against their best interests, but in their best interests.

Affirmed.

/s/ Jessica R. Cooper
/s/ Karen M. Fort Hood
/s/ Roman S. Gribbs