

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of NAUTICA BAKER, NAUTASIA
BAKER, and NAUTALIA BAKER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LASHOYA BAKER,

Respondent-Appellant.

UNPUBLISHED
February 3, 2005

No. 256856
Ingham Circuit Court
Family Division
LC No. 00-046460-NA

Before: Zahra, P.J., and Neff and Cooper, JJ.

MEMORANDUM.

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

The trial court did not clearly err in determining that statutory grounds for termination had been established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624; 633; 593 NW2d 520 (1999). The conditions that led to adjudication were inadequate housing and unstable employment.

Respondent argues that she had stable housing throughout the duration of the case. However, respondent had housing for only a few months and then later again for six months. At the termination trial, respondent testified that she received a letter with regard to low-income housing, however she did not know if she would have such housing upon her release from jail. Providing a stable environment for herself and her children continued being a problem for respondent. Respondent acknowledged that it was going to take her a few months before she could prove to the court that she could find suitable housing and employment.

Furthermore, while there was no testimony regarding physical abuse of the children by respondent, evidence was presented establishing that respondent had a substance abuse problem. Further evidence established that the father of one of the children pleaded guilty to a felonious assault on respondent that occurred while the children were present. Thus, the trial court did not err in finding that the conditions that led to adjudication continued to exist, that respondent had failed to provide proper care for her children, that there was no reasonable likelihood that the

conditions would be rectified or that respondent would be able to provide proper care within a reasonable time, and that there was a likelihood of harm to the children if returned to respondent's care.

The evidence fails to establish that termination of respondent's parental rights is not in the best interests of the children. MCL 712A.19b(5). While there was some testimony that the children were emotionally attached to respondent, these children need more than an emotional attachment to respondent. They need a mother who is able to provide them with a stable environment, which respondent was not able to do. Thus, the trial court did not err in terminating respondent's parental rights.

Affirmed.

/s/ Brian K. Zahra

/s/ Janet T. Neff

/s/ Jessica R. Cooper