STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of LUKAS SCOTT and GORDON SCOTT, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DAWN SCOTT,

Respondent-Appellant,

and

RICHARD SCOTT,

Respondent.

UNPUBLISHED
February 16, 1999

No. 207005
Muskegon Juvenile Court
LC No. 95-021880 NA

Before: Markman, P.J., and Bandstra and J.F. Kowalski*, JJ.

MEMORANDUM.

Respondent Dawn Scott appeals as of right the juvenile court order terminating her parental rights pursuant to MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g). We affirm.

Respondent, who is paralyzed from the waist down, confined to a wheelchair, and has an IQ in the educable mentally impaired range, is the mother of two children, Lukas, born February 1, 1988, and Gordon, born January 4, 1995. A petition for removal of the children was filed on June 22, 1995 by the Family Independence Agency ("FIA") after Gordon was hospitalized as a result of lack of feeding and proper care. Respondent stipulated to the facts alleged in the petition; that Gordon had not been properly fed or cared for and that Lukas had been subjected to verbal and emotional abuse and made responsible for housework and caring for his younger brother. A FIA worker testified at the termination

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

hearing that Lukas had also been responsible for his own care, including administering his own asthma medication, as well as feeding and diapering the baby. Lukas reported that he was afraid because his mother would shake him and hit him across the face when she was angry. A nurse who worked with the family reported that the home was dirty and that there were serious safety issues for the children in the home.

While the children were in foster care, respondent exhausted all the services available through the agencies in the area, according to a FIA worker. However, respondent did not internalize or implement the lessons offered and had to be constantly monitored. Further, respondent did not complete her parenting classes, and refused to participate in either physical therapy that would improve her ability to care for the children or a program that would have provided her with in-home help on a continuing basis. The parenting instructor and psychologist who worked with respondent opined that the children should not be left alone with her on an extended basis and that she would not be able to even minimally care for the children without continued outside support. Thus, a petition for termination of parental rights was filed. Although two of Lukas' teacher and family friends testified that respondent did adequately care for the children and respondent denied many of the allegations against her, the court determined that she had failed to provide proper care or custody for the children and that there was no likelihood that she would be able to provide proper care for the children in a reasonable time considering the children's ages, MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g).

A decision regarding termination of parental rights is reviewed in its entirety for clear error. MCR 5.974(I); *In re Hamlet (After Remand)*, 225 Mich App 505, 515; 571 NW2d 750 (1997). The court's findings are clearly erroneous if, on review, this Court is left with a definite and firm conviction that a mistake has been made. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). In this case, there was clear and convincing evidence that the conditions that led to the removal of the children had not been corrected and that respondent would not be able to provide proper care for her children within a reasonable time. Respondent failed to attend parenting classes on a regular basis and did not avail herself of the services offered by the various agencies. Although respondent suggests that the trial court erred by failing to accord decisive weight to the testimony of the witnesses presented on her behalf, this Court will defer to the trial court's assessment of the credibility of the witnesses who appeared before it. *In re Newman*, 189 Mich App 61, 65; 472 NW2d 38 (1991).

Finally, respondent does not argue, and the record does not indicate, that termination of her parental right was clearly not in the children's best interests. Accordingly, the juvenile court's decision to terminate respondent's parental rights complied with the requirements of MCL 712A.19b(5); MSA 27.3178(598.19b)(5), and we find no clear error in that decision. *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997).

Affirmed.

/s/ Stephen J. Markman
/s/ Richard A. Bandstra
/s/ John F. Kowalski