

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of OCEANSTAR TUESDAY
ELLINGTON and MATTHEW LEWIS
ELLINGTON, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

UNPUBLISHED
April 23, 1999

v

No. 211899
Wayne Juvenile Court
LC No. 95-333387

PATRICIA ELAINE ELLINGTON, a/k/a
PATRICIA ELAINE ANDERSON,

Respondent-Appellant,

and

CLAUDE DAVID ELLINGTON,

Respondent.

Before: Gage, P.J., and Gribbs and Hoekstra, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right a juvenile court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(ii), (c)(i) and (g); MSA 27.3178(598.19b)(3)(b)(ii), (c)(i) and (g). We affirm.

Respondent-appellant's sole claim on appeal is that the juvenile court acted prematurely in terminating her parental rights because petitioner did not provide family counseling as part of the services offered to help her address her failure to protect the children from abuse. This issue has not been preserved for appeal because respondent-appellant has not cited any authority in support of her claim that petitioner was required to provide this service, in addition to the others offered, as part of the

treatment plan. *Price v Long Realty, Inc*, 199 Mich App 461, 467; 502 NW2d 337 (1993). In any event, the juvenile code requires only that the Family Independence Agency (FIA) offer services that will facilitate reunification and any additional services the court may order, MCL 712A.18f; MSA 27.3178(598.18f); MCL 712A.19; MSA 27.3178(598.19); the FIA is not required to offer every conceivable service that may be available before termination may be ordered.

Further, the record indicates that respondent-appellant participated in individual counseling, yet continued to deny that she either knew about the sexual abuse or could have protected the children from it. Her denial lacks credibility in that despite the fact she sent the children to live with a relative because she suspected her daughter had been abused. The father shared a bed with his daughter nightly in the attic and this poor youngster had to endure such regular abuse without the protection of her mother, the respondent. Also respondent admits she was aware of her son's criminal activity with his father. In view of this circumstance these circumstances, and the absence of any evidence to indicate that respondent-appellant had since acknowledged her responsibility, there was no basis to conclude that family counseling would have had any appreciable effect. Accordingly, we conclude that respondent-appellant has failed to establish any error in the juvenile court's decision to terminate her parental rights to the children.

Affirmed.

/s/ Hilda R. Gage

/s/ Roman S. Gibbs

/s/ Joel P. Hoekstra