

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CALEB HEBRON HYDER and
BIANCA B. LEWIS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LLEWELLYN LEOTIS LEWIS,

Respondent-Appellant,

and

GERALD HYDER and DAVID BEAVERS, a/k/a
ANTHONY BEAVERS,

Respondents.

UNPUBLISHED

September 19, 2000

No. 223702

Wayne Circuit Court

Family Division

LC No. 91-296421

Before: Talbot, P.J., and Hood and Gage, JJ.

PER CURIAM.

Respondent-appellant (hereinafter “respondent”), biological mother of the involved minor children, appeals as of right from a family court order terminating her parental rights to the children. Our review of the record reveals that the family court did not clearly err in determining that clear and convincing evidence warranted termination of respondent’s parental rights pursuant to MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g). MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). We affirm.

While the lengthy record in this case demonstrates commendable and substantial efforts by respondent and that respondent truly loves her children, the record also contains clear and convincing evidence that respondent neglected the children and failed to comply with family court orders and proposed treatment plans. Several witnesses’ testimony established that respondent had repeatedly berated, derided, sworn at and yelled at the children. See *In re Bedwell*, 160 Mich App 168, 172;

408 NW2d 65 (1987) (noting that neglect includes a failure to provide for a child's emotional needs). Respondent never underwent an extensive psychological or psychiatric examination as the family court ordered because a review of respondent's medical records was necessary to facilitate a comprehensive examination and respondent refused to sign releases of her medical information. Despite her tentative diagnoses of bipolar disorder, respondent steadfastly denied possessing a mental problem, and failed to comply with a family court order to attend a second Clinic for Child Study evaluation. Respondent in 1998 and 1999 additionally failed to attend court-ordered random drug testing, twice tested positive for alcohol and drugs in September and October 1998, and failed to substantiate her participation in a court-ordered decision making support group. *In re Trejo Minors*, ___ Mich ___; ___ NW2d ___ (Docket No. 112528, decided July 5, 2000), slip op at 22, n 16 (observing that a parent's failure to comply with court-ordered treatment plans is indicative of neglect).

Furthermore, in light of the abundant record evidence of Caleb's and Bianca's special needs, including their educational delays, Caleb's schizophreniform disorder and Bianca's cerebral palsy, and respondent's consistent failure during the approximately 2 ½ years of the children's temporary placements to recognize or accept her own mental instability or otherwise fully comply with court orders and treatment plans, we conclude that the family court properly determined that no reasonable probability exists that respondent will "provide proper care and custody within a reasonable time considering the child[ren]'s age[s]." MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g); *In re Dahms*, 187 Mich App 644, 647-648; 468 NW2d 315 (1991) ("The trial court's decision to terminate appropriately focused not only on how long it would take respondent to improve her parenting skills, but also on how long her three children could wait for this improvement.").

Because the available evidence, which indicates the children's special needs and the unlikelihood that respondent appropriately could address them, does not establish that "termination of parental rights to the child[ren] is clearly not in the child[ren]'s best interests," MCL 712A.19b(5); MSA 27.3178(598.19b)(5), we conclude that the family court properly terminated respondent's parental rights pursuant to subsection (3)(g).¹

Affirmed.

/s/ Michael J. Talbot

/s/ Harold Hood

/s/ Hilda R. Gage

¹ We need not consider the propriety of the further statutory grounds cited by the family court. MCL 712A.19b(3); MSA 27.3178(598.19b)(3).