

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DUSTIN DAVID WADE HOLT and
JUSTIN JOSEPH JAMES HOLT, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner - Appellee,

v

CATHY MARIE HOLT,

Respondent - Appellant,

and

MICHAEL ELLIOT,

Respondent.

UNPUBLISHED

October 6, 2000

No. 221746

Wayne Circuit Court

Family Division

LC No. 98-363455

Before: Fitzgerald, P.J., and Holbrook, Jr., and McDonald, JJ.

PER CURIAM.

Respondent mother appeals as of right from a family court order terminating her parental rights to her twin boys pursuant to MCL 712A.19b(3)(c)(i), (g), and (j); MSA 27.3178(598.19b)(3) (c)(i), (g), and (j). We affirm.¹

This matter began back in February 1998, when the minor children were diagnosed as failure to thrive. The children were also showing signs of respiratory problems. At that time, the seven month old boys weighed approximately ten and eight pounds. At the hearing held on the initial petition, respondent mother admitted that she had a hostile and defensive attitude, and that she had failed to follow through with directives given by medical personnel on how to care for the boys. Looking at the record, it is

¹ Putative father, Michael Elliot, does not appeal the family court's termination of his parental rights.

clear that the major terms of respondent mother's parent-agency treatment plans were: (1) that her parenting time with the boys be supervised at a designated facility; (2) that she submit to psychological testing; (3) that she receive individual therapy and counseling addressing, in part, how to care for the children and anger management; (4) that she participate with the children in group therapy with other teen mothers and their children; (5) that she obtain and maintain safe and suitable housing; (6) that she obtain and maintain legal and adequate income; (7) that she complete parenting classes; (8) that she sign all necessary forms relating to the release of information; and (9) that she submit to random drug screens and undergo a substance abuse assessment.

Respondent mother argues that the trial court erred in finding that the statutory grounds for termination had been established by clear and convincing evidence. *In re Miller*, 182 Mich App 70, 84; 451 NW2d 576 (1990). We disagree. The children came under the jurisdiction of the family court because they were diagnosed as failure to thrive children and because respondent mother had refused to follow medical instructions regarding their care. The record supports the conclusion that she continues to reject such instructions.

For example, the evidence establishes that she fails to recognize that her "on demand" approach to feeding the children is detrimental to their well-being. Even accounting for the fact the children were born premature, the weight of the children when the court assumed jurisdiction evidences the failure of respondent mother's approach. Nonetheless, the record indicates that she continues to cling to this approach. There is also evidence that respondent mother cannot remember without assistance when and how to administer the children's breathing treatments. On the basis of this evidence, we cannot conclude that the trial court clearly erred in finding that subsection 19b(3)(c)(i) had been established by clear and convincing evidence. *In re Miller, supra* at 84.

We also cannot conclude that the family court erred with respect to subsection 19b(3)(g). *Id.* The record supports the conclusion that respondent mother had not sufficiently complied with the court ordered requirements encompassed in the parent-agency treatment plans under which she operated. See *In re Trejo*, 462 Mich 341, 360-363; 603 NW2d 787 (2000). Respondent mother failed to attend group therapy, failed to obtain and maintain suitable housing, and failed to obtain and maintain adequate income. While she did attend parenting classes, the evidence is that her progress was minimal at best. Respondent mother's failure to accept and participate in the help she was provided is reflected in her inability to understand and address her children's eating and respiratory needs.

Finally, we cannot conclude that the trial court erred with respect to subsection 19b(3)(j). *In re Miller, supra* at 84. Given the special needs of these children, respondent mother's failure to substantially comply with the parent-agency treatment plans evidence the risk the children would face if returned to her care. *In re Trejo, supra* at 4, n 3.

Affirmed.

/s/ E. Thomas Fitzgerald
/s/ Donald E. Holbrook, Jr.
/s/ Gary R. McDonald

