

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KATIE WALKER, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KATHRYN ANN SEVERSON,

Respondent-Appellant,

and

ROBERT WALKER,

Respondent.

UNPUBLISHED

January 12, 2001

No. 226870

Muskegon Circuit Court

Family Division

LC No. 97-024719-NA

Before: Wilder, P.J., and Hood and Cavanagh, JJ.

MEMORANDUM.

Respondent mother, Kathryn Ann Severson, appeals as of right from an order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (3)(g), and (3)(i); MSA 27.3178(598.19b)(3)(c)(i), (3)(g), and (3)(i). We affirm.

Respondent had three children, minor child Katie, Destiny DeWitt, and Hannah DeWitt. There was an allegation that a friend of respondent's had sexually molested the minor child. The minor child was taken to Illinois where she was cared for by an uncle. A termination proceeding commenced, and respondent's parental rights to the minor child's siblings, Destiny and Hannah were terminated. After three years, the minor child's uncle could no longer care for her, and she was returned to Michigan. Petitioner commenced a termination proceeding involving this child and placed the minor child in the same foster home that petitioned to adopt her siblings.

A parent/agency agreement provided that respondent was to find safe and adequate housing, complete a psychological or psychiatric examination, follow the recommendations of her doctor, participate in a home based mental health program, and demonstrate effective parenting skills. Respondent's case worker, Mary Shaheen, requested respondent's current

address, but she would not provide it. Respondent did attempt to have a psychological evaluation taken, but would not list any symptoms. Therefore, the agency would not perform an evaluation until she delineated her symptoms. Past evaluations characterized respondent as “schizo typical personality disorder.” However, treating personnel opined that respondent would not improve until she recognized that she had a problem. One week before a dispositional hearing, respondent did attend counseling sessions. However, she stayed for only twenty of the forty-five minutes allotted for her session. Based on her failed compliance with the parent/agency agreement, the failure to recognize the victimization of the child, the failure to cure the problems that led to foster care, and the prior termination proceeding, petitioner requested that respondent’s parental rights be terminated. The trial court did not expressly state the statutory subsections upon which termination was based, but made factual conclusions and statements of law to indicate that it agreed with the request for termination as sought by petitioner.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 352; 612 NW2d 407 (2000). There was no evidence that respondent could provide proper care and custody within a reasonable period of time considering the age of the child. Termination was required unless the court found that termination was clearly not in the child’s best interests. *Id.* at 364-365. On this record, we cannot conclude that termination was clearly not in the child’s best interests. Accordingly, the trial court did not err in terminating respondent’s parental rights. Finally, respondent contends that it was an abuse of discretion to order termination based on the qualifications of petitioner’s witnesses, the admission of hearsay, and the time frame for termination. These issues were not raised and addressed below and are not preserved for appellate review. *In re Lang*, 236 Mich App 129, 135; 600 NW2d 646 (1999). Furthermore, respondent has failed to cite authority in support of this position, causing a waiver of the issue on appeal. *Id.* at 138. In any event, we have reviewed respondent’s claim and find no abuse of discretion.

Affirmed.

/s/ Kurtis T. Wilder
/s/ Harold Hood
/s/ Mark J. Cavanagh