

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of N.E.R., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MEDENE L. RANSBERGER, a/k/a DENA
RANSBERGER,

Respondent-Appellant,

and

DAVID P. RANSBERGER,

Respondent.

In the Matter of D.R.R., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MEDENE L. RANSBERGER, a/k/a DENA
RANSBERGER,

Respondent-Appellant,

and

DAVID P. RANSBERGER,

UNPUBLISHED

August 27, 2002

No. 236445

Cass Circuit Court

Family Division

LC No. 99-000318-NA

No. 236446

Cass Circuit Court

Family Division

LC No. 99-000319-NA

Respondent.

In the Matter of D.M.R., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MEDENE L. RANSBERGER, a/k/a DENA
RANSBERGER,

Respondent-Appellant,

and

DAVID P. RANSBERGER,

Respondent.

No. 236447
Cass Circuit Court
Family Division
LC No. 99-000320-NA

In the Matter of N.E.R., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DAVID P. RANSBERGER,

Respondent-Appellant,

and

MEDENE L. RANSBERGER, a/k/a DENA
RANSBERGER,

Respondent.

No. 236613
Cass Circuit Court
Family Division
LC No. 99-000318-NA

In the Matter of D.R.R., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DAVID P. RANSBERGER,

Respondent-Appellant,

and

MEDENE L. RANSBERGER, a/k/a DENA
RANSBERGER,

Respondent.

In the Matter of D.M.R., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DAVID P. RANSBERGER,

Respondent-Appellant,

and

MEDENE L. RANSBERGER, a/k/a DENA
RANSBERGER,

Respondent.

Before: Jansen, P.J., and Smolenski and Wilder, JJ.

PER CURIAM.

No. 236614
Cass Circuit Court
Family Division
LC No. 99-000319-NA

No. 236615
Cass Circuit Court
Family Division
LC No. 99-000320-NA

In these consolidated appeals, respondents appeal as of right the trial court's order terminating their parental rights to the minor children. The court terminated respondent Medene Ransberger's parental rights pursuant to MCL 712A.19b(3)(c)(i) and (g), and terminated respondent David Ransberger's parental rights under MCL 712A.19b(3)(g) only. We affirm in all cases.

I. Facts and Proceedings

Petitioner Family Independence Agency (FIA) first became aware of this case after the Cass County Sheriff's Department responded to a domestic violence complaint at respondents' home in July 1999. Petitioner alleged that respondents had been involved in past incidents of domestic violence, that the children were being neglected by respondents, and that both respondents had substance abuse problems. A subsequent parent-agency plan required respondents to undergo psychological examination, substance abuse evaluations, and counseling. The children were placed in foster care, and respondents were permitted to have supervised visits with them.

In November 2000, after numerous services had been offered to respondents, petitioner filed a petition to terminate both respondents' parental rights. The termination hearing was scheduled for January 2001, but at the eleventh hour, the parties entered into a consent order giving respondents an additional ninety days to meet certain requirements such as maintaining sobriety and providing proof of employment, utility bill payment, and independent housing. Ultimately, the matter was tried, beginning in May 2001. After hearing four days of testimony, the court rendered its oral opinion and terminated both respondents' parental rights. Both now challenge the sufficiency of the evidence to establish grounds for termination. Respondent David Ransberger also challenges the court's finding that clear evidence did not show that termination was not in the children's best interests.

II. Standard of Review

In termination of parental rights cases, the petitioner must prove by clear and convincing evidence that one of the statutory grounds for termination exists. MCL 712A.19b(3); *In re Trejo Minors*, 462 Mich 341, 350; 612 NW2d 407 (2000). If at least one ground for termination is proven, the family court must terminate the respondent's parental rights unless it finds on the whole record that clear evidence exists that termination is not in the child's best interests. *Id.* at 354. We review the court's termination of parental rights for clear error. *Id.* at 356-357.

III. Analysis

The trial court did not clearly err in finding that petitioner established statutory grounds for termination by clear and convincing evidence with respect to both respondents. MCR 5.974(I); *In re Trejo Minors*, *supra* at 356-357. With regard to respondent Medene Ransberger, the evidence supported the trial court's finding under MCL 712A.19b(3)(c)(i). Testimony showed that she failed to make progress in counseling, continued to engage in an abusive relationship with her boyfriend, and incurred an additional drunk driving conviction after receiving substance abuse counseling. Moreover, she failed to properly interact with the children during supervised visits on repeated occasions.

Likewise, the record supports the court's termination of respondent Medene Ransberger's rights under MCL 712A.19b(3)(g). Respondent had not secured independent housing, failed to maintain and properly verify her employment, and violated the court's order prohibiting contact with the respondents' oldest child. Testimony also showed that she was not consistently sober and that she failed to accept responsibility for her children's circumstances.

The record also supports the court's termination of respondent David Ransberger's parental rights under MCL 712A.19b(3)(g). The evidence showed that he minimized the past sexual abuse experienced by his children and, even after parenting classes, would not be able to effectively address each child's special medical, educational, and behavioral needs. Furthermore, testimony showed that respondent repeatedly focused on his needs rather than those of his children. For example, when respondent engaged in prohibited contact with the oldest daughter, he chose not to report her indication that she might commit suicide because he did not want to get into trouble for violating the court's no-contact order.

Further, the evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 356-357. Even though each of the three children had special needs and would be difficult to parent, the evidence showed that they could be adopted. Additionally, the testimony showed that respondent David Ransberger was highly likely to fail again at effective parenting, causing the children further instability. Thus, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Kathleen Jansen
/s/ Michael R. Smolenski
/s/ Kurtis T. Wilder