

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MICHAEL DAVID ALLEN,
STEPHEN EARL ALLEN, BRANDON WADE
HELMS, and KRISTIAN PAUL JONES, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KELLY JO ALLEN,

Respondent-Appellant,

and

ARCHIE McCAULEY,

Respondent.

UNPUBLISHED

January 13, 2004

No. 248408

Wayne Circuit Court

Family Division

LC No. 99-374119

Before: Donofrio, P.J., and Griffin and Jansen, JJ.

MEMORANDUM.

Respondent-appellant appeals by delayed leave granted from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). Because respondent has had nearly four years of FIA services and still has not progressed to the point where she accepts complete parental responsibility for her children, is still unable to provide proper care or custody for the children, and she requires additional therapy to gain any insight to remedy her parenting deficiencies, we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not clearly err in determining that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The children came under court wardship in September 2000 after respondent-appellant and the children became homeless. Although respondent-appellant eventually completed the mechanics of the parent agency agreement that was designed to assist her in becoming able to properly parent, and did find housing after being provided with referrals for eighteen months, the evidence showed that respondent-appellant was

not yet able to provide the children with the structure, consistency and stability they required. The evidence presented by respondent-appellant's counselors indicated that, after two years of therapy, respondent-appellant had not yet achieved the ability to introspect and appreciate how her actions affected the children, continued to deny complete parental responsibility for the children's well being, and continued to blame others for their wardship and emotional difficulties. The evidence establishing the statutory grounds for termination applied equally to all of the children, and the trial court did not improperly base termination of respondent-appellant's parental rights to fifteen-year-old Michael and fourteen-year-old Stephen solely on their wish to avoid reunification with respondent-appellant.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The trial court considered the desire of Michael and Stephen to reunite with their father and not be reunited with respondent-appellant after it properly based termination on the above statutory grounds. It noted that Brandon was ADHD and a hemophiliac and that Kristian was autistic. While respondent-appellant could be trained to deal with Brandon's and Kristian's special needs, the evidence showed that there was no reasonable expectation that respondent-appellant, because of her lack of introspection, would place Brandon's and Kristian's needs first and take complete parental responsibility for their well being. The children's special needs were being met in foster care.

Affirmed.

/s/ Pat M. Donofrio
/s/ Richard A. Griffin
/s/ Kathleen Jansen