

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of AMANDA HAMMOND,  
SANDRA HAMMOND, ANDREW HAMMOND,  
and JONATHAN HAMMOND, Minors.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

UNPUBLISHED  
February 17, 2004

v

ARTHUR HAMMOND and SANDRA  
HAMMOND,

No. 249251  
Midland Circuit Court  
Family Division  
LC No. 02-001467-NA

Respondents-Appellants.

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Before: Sawyer, P.J., and Saad and Bandstra, JJ.

MEMORANDUM.

As is their right, respondents appeal from a trial court order that terminated their parental rights under MCL 712A.19b(3)(g) and (j). We affirm.

The trial court did not clearly err in finding that petitioner established the statutory grounds for termination by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). When they were removed from respondents' home, the children were between five and twelve years old. Sadly, the children were unable to take care of their own basic sanitary needs, including brushing their teeth, bathing, wiping themselves after going to the bathroom, or eating with utensils. Trash and junk covered the inside and outside of respondents' house, evidence showed maggots, a rat and mice inside the home, and the house had no hot water and no workable bathroom. The parents kept a dog tied up on the property and evidence showed that the dog bit at least one of the children. Some of the children had serious medical problems, and all of the children had significant dental problems. The children also suffered emotional problems and educational assessments showed that they tested below average.

Reports from psychological examinations indicate that both parents had intellectual limitations, and evidence showed that the parents did not appreciate that they must protect their children from harm, whether from bullying by neighborhood children, bites from their dog, or molestation by an adult neighbor. The mother appeared to have difficulty relating to her children at their chronological age and continued to think of and treat them as babies, picking them up

and crying when she saw them. The parents focused on their own problems, not the welfare of their children, and they repeatedly blamed their plight on petitioner and others.

Throughout the proceedings, the court clearly articulated its expectations for the parents to retain their parental rights. The trial judge told the parents that they must clean up their house to make it safe for the children and remove the dog that bit one of the children. However, the parents did not clean up the outside of their home, they refused to admit the caseworker to examine the inside of the home, and they removed one dog but replaced it with three new dogs and a pig. Despite admonitions from the trial judge, the parents repeatedly discussed inappropriate and sometimes violent issues with the children during visits, including their own medical problems, their personal difficulties in handling the termination proceedings, and the father's detailed description of killing the family dog. On the basis of this and other, ample evidence, the court correctly found that the parents could not provide proper care or custody within a reasonable time because, through the termination process, the parents, unfortunately, "dug in their heels," disregarded virtually every court order, and made no progress toward making a safe and sanitary home for the children.

The court also correctly found that there is a reasonable likelihood that the children will be harmed if they are returned to the parents' home. Indeed, the parents agree that the children would be harmed, but take the unrealistic and telling position that petitioner is at fault. This is inconsistent with the record. Sadly, the parents did not listen to what the court told them that they needed to do, including taking responsibility for themselves and doing what was needed to be reunited with the children.

Further, the evidence failed to show that termination was clearly not in the best interests of the children. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Instead, based on substantial evidence, the court found that termination was clearly in the best interests of the children. Unfortunately for the children and for the parents, these parents could not or would not provide for the children's basic needs and the children would be at serious risk of harm if they were returned to their parents.

Affirmed.

/s/ David H. Sawyer  
/s/ Henry William Saad  
/s/ Richard A. Bandstra