

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JUSTIN RAY REAUME, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ERNEST RAY REAUME,

Respondent-Appellant,

and

DIONNA MARIE MIZAK, a/k/a DIONNA
MARIE REAUME, DENNIS MICHAEL MIZAK,
ALFRED MORELAND MEADOWS III, and
LYLE MOORE,

Respondents.

In the Matter of STEPHANIE RENEE MIZAK,
CHELSEA KATRINA MIZAK, KRISTINA
MORGAN MEADOWS, and JUSTIN RAY
REAUME, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DIONNA MARIE MIZAK, a/k/a DIONNA
MARIE REAUME,

Respondent-Appellant,

and

ERNEST RAY REAUME, DENNIS MICHAEL

UNPUBLISHED
February 26, 2004

No. 248010
Wayne Circuit Court
Family Division
LC No. 00-388273

No. 248071
Wayne Circuit Court
Family Division
LC No. 00-388273

MIZAK, ALFRED MORELAND MEADOWS III,
and LYLE MOORE,

Respondents.

Before: Borrello, P.J., and White and Smolenski, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court's order terminating the respondent-mother's parental rights to the minor children Stephanie, Kristina, Chelsea, and Justin, and the respondent-father's parental rights to Justin, under MCL 712A.19b(3)(c)(i), (g) and (j). We affirm.

This Court reviews a trial court's order terminating parental rights to determine if the trial court clearly erred in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Absent such a finding, this Court will affirm the decision of the trial court.

Petitioner FIA contended that respondents failed to protect the older girls from sexual abuse by a convicted child molester in whose care the girls were left. Further, petitioner asserted that the respondent father forcefully grabbed Chelsea by the neck. These conditions gave rise to serious concerns about respondents' parenting skills and ability to protect the minor children from harm.

Despite the fact that both respondents completed parenting classes, reports from the agency that provided the classes expressed reservations about whether the respondent-father had internalized the material and whether the respondent-mother could apply it to her own children. The record shows that when a clinical therapist at the agency offered supplemental guidance, respondent-mother could focus on her own issues but became defensive and guarded when the focus was on the children. It also shows that respondent-father became irritable when the subject of protecting the children from sexual abuse was raised. Further the record reflects that respondents struggled to maintain control of the children during visits and would fail to intervene in sibling hitting, when a child was hurt, or when a child would leave the room. Respondents ignored instructions about what Justin could eat, causing him to be ill. When the children were returned home in September 2001, the environment quickly deteriorated into chaos. The incident precipitating the second removal of the children was the respondent-father striking Stephanie in the face when she got up during the night. This evidence provided clear and convincing support for the trial court's conclusion that respondents lacked the ability to adequately parent the children.

Moreover the trial court did not clearly err by finding that respondents would not be able to rectify these conditions within a reasonable time considering the children's ages. We note that respondents' inability to effectively parent the children cannot be attributed to lack of effort on the part of both respondents. Respondents have engaged in extensive counseling, and the evidence indicated that both made progress. Indeed, respondents made enough progress that the

children were returned to the home in September 2001. However, it became clear that the parents could not maintain the improvement. Dr. Lorraine Jackson of the Clinic for Child Study opined that respondents would need continuous assistance until the children reached adulthood in order to meet their needs. She testified that the respondent-mother would need another year of counseling with respect to her issues of sexual abuse, and at trial her counselor declined to venture an opinion regarding whether respondent-mother could protect the children from further sexual abuse. The respondent-father characterized the sexual abuse of Stephanie and Kristina as a “little thing.”

Although these parents engaged in extensive services over a period of more than two years, they failed to demonstrate effective parenting abilities. Perhaps most troubling was that both failed to demonstrate an understanding of the seriousness of the sexual abuse that was perpetrated on Stephanie and Kristina and to take responsibility for it. Therefore, the trial court had ample basis to conclude that respondents’ poor parenting skills and inability to protect and meet the needs of the children would not be rectified within a reasonable time.¹

The trial court also did not clearly err by finding that respondents, without regard to intent, failed to provide proper care and custody of the minor children. The respondent-mother failed to provide proper care and custody of Stephanie, Kristina, and Chelsea when she left them in the care of an individual who was a convicted child molester. Both respondents failed to provide proper care and custody of Justin by keeping animals in the home despite his asthma, ignoring dietary needs occasioned by his lactose intolerance, and failing to maintain a clean and sanitary environment. The evidence that Justin was severely underweight and growth-delayed when taken from respondents’ custody at one year of age also indicates that respondents failed to provide proper care and custody for him.

Further, the trial court did not clearly err by finding that respondents would not be able to provide proper care and custody for the minor children within a reasonable time considering their ages. As noted above, the evidence indicates that respondents have not demonstrated significantly improved parenting skills and have not demonstrated an ability to meet the needs of the children despite extensive therapy and services. Dr. Jackson opined that respondents would need continuous full-time assistance until the children reached adulthood in order to protect, parent, and nurture them. Their current counselor indicated that respondents are not able to parent the children, and their parenting skills are not promising. Given this evidence, we are not left with the impression that the trial court erred by finding that these parents would not be able to provide proper care and custody for their minor children in the reasonable future.

The respondent-father argues that because he completed the parent-agency agreement, he is a fit parent and termination was clearly erroneous. Our Supreme Court noted in *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003), that a parent’s *compliance* with the parent-agency

¹ The respondent-mother contends on appeal that she should have been given the opportunity to parent some of the less needy children. However, the record indicates that the respondent-mother’s deficits in parenting skills and inability to protect the children would continue even with a smaller number of children in her care.

agreement is evidence of his ability to provide proper care and custody. But, our Supreme Court's ruling should not be read to stand for the proposition that a *limited time of* compliance with a parent-agency agreement is tantamount to *ongoing* compliance. In fact, true completion of the parent-agency agreement cannot be achieved because the agreement required the parents to maintain a safe and suitable home. This did not occur. Additionally, the evidence showed that respondents struggled to maintain any type of control over the children. Thus, although some improvement was made, support services were still required, and respondents were unable to maintain the improvement after the children returned home. Rather, the children's behavior became increasingly chaotic. When the children were removed the second time, the home was in disarray with food and garbage around. Justin was sleeping on a bed with no sheets. There was ample evidence to support a conclusion that respondent father failed to demonstrate appropriate parenting skills or to maintain a safe and suitable home as required by the parent-agency agreement. Moreover, despite the respondent-father's completion of domestic violence classes in August 2001, the respondent father struck Stephanie in the face in February 2002.

The trial court also did not clearly err in concluding that there was a reasonable likelihood that the children would be harmed if returned to respondents. The same evidence that showed that respondents would be unable to provide proper care and custody for the children in the reasonable future supports the trial court's conclusion that there was a reasonable likelihood that the children would be harmed if returned to them. The record amply demonstrates respondents' inability to appropriately supervise, protect, and parent the children, and their failure to maintain a safe and suitable physical environment. Under these circumstances, the trial court did not err by finding that there was a reasonable likelihood that the children would be harmed if returned to the parents.

Finally, we conclude that the trial court did not clearly err by finding that termination was not clearly contrary to the best interests of the children. MCL 712A.19b(5). All four of the children have special needs. The unsuccessful return of the children clearly demonstrates the parents' inability, despite their efforts, to meet the needs of these children.

Affirmed.

/s/ Stephen L. Borrello
/s/ Helene N. White
/s/ Michael R. Smolenski