

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

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In the Matter of CLAYTON CROSSLAN, AUSTIN  
KEENER, RAYMOND DUANE KEENER,  
SULAINA KEENER, and SAVAINA KEENER,  
Minors.

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FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED  
October 7, 2004

Petitioner-Appellee,

v

No. 255143  
Calhoun Circuit Court  
Family Division  
LC No. 98-004437-NA

RAYMOND KEENER,

Respondent-Appellant,

and

DEBRA KEENER,

Respondent.

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Before: Borrello, P.J., and Murray and Fort Hood, JJ.

PER CURIAM.

Respondent-appellant Raymond Keener (“respondent”) appeals as of right from the trial court’s order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g) and (j). We affirm.

The trial court did not clearly err 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). At the time of the termination hearing, the children had been in foster care for approximately eighteen months. The children were initially adjudicated temporary court wards in 2002, because of a neglectful and unfit living environment, and respondent’s failure to properly care for the children. Additionally, the family had a prior history with protective services, dating back to before November 2000, because of neglect, lack of supervision, and domestic violence. As a result of respondent’s failure to properly parent,

supervise, and provide for the children, they were unkempt, academically and socially challenged, and aggressive toward each other. Services were provided to respondent for more than three years in total, and he was given ample opportunity to demonstrate his ability and willingness to care for the children, but the evidence showed that he failed to sufficiently benefit from the services offered.

Although respondent participated in services, he failed to achieve the underlying and fundamental objective, which was to be in a mental, emotional, and financial position to properly parent and supervise the children. Despite several months of intervention, respondent continued to lack sufficient control of the children, was unable or unwilling to understand, internalize and employ proper parenting skills, failed to acknowledge his continuing issues with anger, and continued to make inappropriate decisions regarding the children's well being. The evidence also showed that, throughout the case, respondent failed to consistently and substantially comply with the parent-agency agreement, which was designed to enable him to address the issues that brought the children into care and to regain custody of his children. Notably, respondent consistently failed to demonstrate proper parenting techniques and skills during visits, and failed to maintain adequate housing for the children. The trial court could properly consider respondent's failure to comply with the parent-agency agreement as an indication that the past neglect would continue. See *In re Hall*, 188 Mich App 217, 223-224; 469 NW2d 56 (1991); *In re Miller*, 182 Mich App 70, 83; 451 NW2d 576 (1990).

Contrary to respondent's position, simply attending various counseling sessions, parenting classes, and family visits was not enough to preclude termination of his parental rights under the circumstances of this case. Rather, the evidence clearly established that respondent was either unwilling or unable to attain the necessary growth to regain custody of the children. Considering respondent's history, conduct, capacity, and lack of adequate parenting skills, there is no reasonable likelihood that his circumstances will sufficiently change or improve within a reasonable time and, therefore, no reasonable expectation that he will be able to provide proper care and custody within a reasonable time considering the ages of the children. Furthermore, there is a reasonable likelihood that the children will be harmed if returned to respondent.

The evidence also 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*, 462 Mich 341, 354; 612 NW2d 407 (2000). To the contrary, the evidence showed that the children were detrimentally affected while in respondent's custody, that their needs are being met in foster care, that they have improved behaviorally since being removed from respondent's custody, and that they would be prone to further neglect if they were returned to respondent. The evidence also showed that the children have needs, that require a structured, emotionally stable, and supportive environment. Given respondent's demonstrated deficiencies, and failure to sufficiently benefit from the services offered, it is unlikely that he would be able to sufficiently address the children's needs within a reasonable time.

Affirmed.

/s/ Stephen L. Borrello

/s/ Christopher M. Murray

/s/ Karen M. Fort Hood