

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of KALEIGH BARCZACK and  
KRISTOPHER BARCZACK, a/k/a  
CHRISTOPHER BARCZACK, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DOROTHY RUGER,

Respondent-Appellant.

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UNPUBLISHED

April 26, 2007

No. 274163

Jackson Circuit Court

Family Division

LC No. 04-003368-NA

Before: Meter, P.J., and Kelly and Fort Hood, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err by finding at least one statutory ground for termination of respondent's parental rights was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The primary conditions of adjudication were domestic violence, drug abuse, failure to treat and manage bipolar disorder, and failure to supervise the children. Following a trial, the trial court initially denied petitioner's request for termination of respondent's parental rights and respondent was allowed additional time to address the barriers to reunification. Specifically, she was directed by the court to comply with her medical regimen, attend all psychiatric reviews, re-engage in therapy, which she had failed to complete earlier, and participate in an anger management program. Respondent failed to accomplish any of these things and a second termination trial resulted in the order of termination that is now before us on appeal.

Throughout this case, respondent failed to follow through consistently with treatment of her bipolar disorder. There was evidence that she abused her prescription medication by taking more than was prescribed. She missed many appointments with her psychiatrist, and did not consistently maintain her medication regimen. Clearly her failure to treat and manage her mental illness continued to exist at the time of termination, more than 182 days after the initial dispositional order in this matter. MCL 712A.19b(3)(c)(i). The evidence also indicated that

respondent failed to address and resolve the issue of domestic violence throughout these proceedings. During the pendency of this case, respondent physically abused Kaleigh by spanking her so forcefully as to leave extensive bruising on her buttocks. She also pleaded guilty to domestic assault against her sister. Also during these proceedings, respondent moved in with a man whom she had only known for several days. She continued to live with him at the time of the first termination trial, yet testified at that time that this individual could be verbally abusive, demanding and controlling. Respondent failed to participate in an anger management program as required after the first termination trial. Throughout this matter, respondent has failed to consistently provide drug screens. Even after the first termination trial, respondent had a screen that was positive for marijuana and had an alcohol related driving offense. This record amply demonstrated that the conditions of adjudication continued to exist, and the trial court did not clearly err in so finding. The trial court also did not clearly err by finding no reasonable likelihood that these conditions would be rectified within a reasonable time considering the ages of the children. MCL 712A.19b(3)(c)(i). Given respondent's failure over these lengthy proceedings to address the conditions of adjudication, it appears more than reasonable to conclude that she will not successfully address them within a reasonable time considering the ages of the children.

Termination of respondent's parental rights under MCL 712A.19b(3)(g) was also proper. Respondent failed to provide proper care and custody of the children by engaging in domestic violence in their presence, failing to supervise them, failing to manage and treat her bipolar disorder, and using drugs. The same evidence demonstrating that the conditions of adjudication continued to exist and were unlikely to be rectified within a reasonable time, MCL 712A.19b(3)(c)(i), equally demonstrates that there is no reasonable likelihood that respondent will be able to provide proper care and custody for the children within a reasonable time considering their ages, MCL 712A.19b(3)(g), and the trial court did not clearly err in so finding.

Finally, 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). Over the two-year pendency of this case, respondent has shown no inclination to address the problems that caused the children to be removed from her care, and there is no indication that she will be able to provide the permanence and stability that the children need within the foreseeable future.

Affirmed.

/s/ Patrick M. Meter  
/s/ Kirsten Frank Kelly  
/s/ Karen M. Fort Hood