

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of MATTHEW JAMES KENNETH  
ELWAY GOULD, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MARIANNE SOWLE,

Respondent-Appellant.

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UNPUBLISHED

December 20, 2007

No. 277927

Lake Circuit Court

Family Division

LC No. 03-000981-NA

Before: Murray, P.J., and Hoekstra and Wilder, JJ.

MEMORANDUM.

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

We review the trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). Respondent's parental rights to two other children were terminated in May 2002 on grounds of emotional neglect and failure to protect. In August 2003, the minor child was removed from respondent's care because of the environmental unfitness of the home. Respondent successfully complied with the parent-agency agreement, in particular on the issue of managing her depression, and the child was returned to her care in December 2003. By October 2004, respondent had remarried and become the primary caretaker for three stepchildren plus the minor child. Respondent received numerous services to assist her in parenting this blended family, but there was little to no improvement in her preferential treatment of the minor child and the abuse and neglect inflicted upon one stepchild in particular. After respondent and her husband failed to follow through on some promised changes in their parenting techniques in June 2006 and requested the termination of Wraparound services, an August 2006 petition was filed that sought the termination of respondent's parental rights to the minor child.

An analysis under MCL 712A.19b(3)(i) requires a court to examine the success of rehabilitation efforts provided in the past. In this case, there are many such efforts to examine, but the most relevant are those efforts directed at the same problems under scrutiny in the latest proceeding. The problems in this latest proceeding involved respondent's parenting abilities;

therefore, the prior rehabilitation efforts directed at respondent's depression and her unfit home were of little to no relevance to the court's analysis. A review of those prior rehabilitation efforts aimed at improving respondent's parenting skills showed they had no benefit. Therefore, the trial court did not clearly err when it based its termination order upon MCL 712A.19b(3)(i). Termination was also warranted under MCL 712A.19b(3)(j) because the risk of future harm includes emotional damage inflicted upon a child who witnesses a parent abuse another child in the house, and who feels guilty for receiving preferential treatment.

Whether termination is in the child's best interests is a close question because the child was strongly bonded to respondent. However, when considered in light of the concerns expressed by many experienced witnesses, and the fact that the abuse inflicted by respondent upon a certain stepchild was very severe, we find no clear error was made in the best interests determination. MCL 712A.19b(5).

Affirmed.

/s/ Christopher M. Murray

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder