

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KAITLYNN PRESEAU and
ANTONIO VEGA, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JESSICA BARKLEY,

Respondent-Appellant.

UNPUBLISHED

December 27, 2007

No. 278149

St. Clair Circuit Court

Family Division

LC No. 07-000093-NA

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

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that § 19b(3)(j) was established by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Respondent had a history of neglecting her children, prompting intervention by Children's Protective Services on several occasions and a temporary wardship for 15 months. She failed to protect Kaitlynn from physical abuse by others and failed to provide proper care and custody herself, given that she could not consistently maintain a clean home, she failed to supervise Antonio, who fell from an open window, failed to utilize safe driving habits while others were in the car, causing the death of her son and another passenger, and she could not consistently ensure Kaitlynn's cleanliness despite the fact that Kaitlynn was unable to care for herself. These problems had existed on and off for six years and, while respondent always did well with intervention, she could not maintain that improvement on her own. A psychological evaluation indicated that respondent was so overwhelmed by her own issues that she was incapable of providing the nurturing care her children required (which was borne out by respondent's substance abuse and recent drug overdose) and that it would take at least a year of intensive counseling to improve. Kaitlynn already had serious psychological issues stemming from her upbringing, an indication that Antonio was at risk as well. Such evidence showed that there was a reasonable likelihood that the children would be harmed if returned to respondent's custody, thereby justifying termination under § 19b(3)(j).

Further, the evidence did not clearly show that termination of respondent's parental rights was not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000). Therefore, the trial court did not err in terminating respondent's parental rights to the children. *Id.* at 356-357.

Affirmed.

/s/ Christopher M. Murray

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder