

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MARY JOY RICHARDSON and
RACHEL LOUISE RICHARDSON, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

NENA JO CONTRERAS,

Respondent-Appellant.

UNPUBLISHED

January 31, 2008

No. 278725

Macomb Circuit Court

Family Division

LC No. 2005-058565-NA

Before: Beckering, P.J., and Sawyer and Fort Hood, JJ.

PER CURIAM.

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

This Court reviews a 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). If the trial court determines that petitioner established the existence of one or more statutory grounds for termination by clear and convincing evidence, the trial court must terminate respondent's parental rights unless it determines that to do so is clearly not in the child's best interests. *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000).

Respondent had a long history with Protective Services, dating back to 1983. The minor children at issue in this appeal came into care because the home that they lived in was condemned and it was dirty and cluttered, respondent was not protecting the minor children from inappropriate behavior in the home such as marijuana use by others living there, and respondent was not caring for the emotional, medical, and physical needs of the minor children. Although respondent had been receiving services, these issues still existed. Respondent was provided with a parent agency agreement and a variety of services. Although she did work on many of the terms of her parent agency agreement, respondent was not in substantial compliance with the agreement at the time of termination trial, which was almost two years after the petition had been filed, and she had not made significant progress towards change.

Respondent was evaluated by three separate psychologists. One of the psychologists invalidated the evaluation because he believed that respondent presented herself in an overly positive manner. The other two psychologists were concerned with respondent's ability to parent the minor children and her ability to change, and both recommended termination of her parental rights. One of the psychologists made this recommendation after meeting with the minor children. While respondent did complete parenting classes, there was concern that she did not benefit from these classes and would not be able to appropriately parent the minor children. Respondent was required to participate in individual therapy, and her therapist indicated that respondent would need long-term therapy and that they were continuing to work on parenting issues.

Respondent had identified some inappropriate sexual behavior of her husband and his fantasies involving the minor children, yet she did not understand the significant risk this could pose to the minor children and did not immediately leave him. She continued to live with her husband for three or four more months and did not file for divorce until a few weeks before the date of the termination trial. In light of the fact that sexual issues were a concern in the household for many years, respondent's lack of judgment on this issue was a significant concern to the court with respect to the minor children's safety and welfare.

Respondent's visitation was terminated in June 2006, apparently because she shared some information about the inappropriate behavior with the minor children, and respondent did not make any inquiries about the minor children after that. She did not contact the case worker on a regular basis as required after her visitation was terminated. Respondent claimed that she thought that she was not allowed to inquire about how the minor children were doing even from the case worker after her visitation was terminated. On the other hand, she claimed that she tried to reach the case worker and could not reach her because her mailbox was full and could not leave a message.

Respondent was required under the terms of the parent agency agreement to provide the case worker with proof of employment and proof that she paid her rent and utilities. Respondent provided the case worker with only one pay stub and brought proof of payment of her rent and utilities to the termination trial. Respondent was provided with many services over the years and was given many opportunities to learn how to more appropriately parent her children, to address the issues that she was dealing with, and to make the changes required so that she would not put her children at risk. Two years after the most recent petition involving her children was filed, respondent was still dealing with some significant issues involving her failure to protect and care for the minor children. The trial court did not clearly err when it found the evidence clear and convincing to terminate her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g) and (j).

The trial court did not clearly err in its best interests determination. The trial court could not have been more correct when it stated that the minor children were entitled to, at a minimum,

a safe home. Respondent was unable to provide them with that and after two years in temporary care, the minor children deserved the opportunity for stability.

Affirmed.

/s/ Jane M. Beckering
/s/ David H. Sawyer
/s/ Karen M. Fort Hood