

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of ASHLEY ANN KREHN, JACOB  
ALAN VANEK, and AMBER ANNE VANEK,  
Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LISA MARIE PELL,

Respondent-Appellant.

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UNPUBLISHED

April 28, 2009

No. 288730

Muskegon Circuit Court

Family Division

LC No. 07-036061-NA

Before: Borrello, P.J., and Murphy and M. J. Kelly, JJ.

PER CURIAM.

Respondent appeals as of right from an order that terminated her parental rights to the minor children pursuant to 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 proven by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The children were removed in May 2007 based on respondent's criminality, substance abuse, and instability. In August 2007, the trial court ordered respondent to comply with the parent-agency agreement, which included: parenting classes, supervised visitation, a psychological evaluation, individual therapy, a substance abuse evaluation, and substance abuse treatment. Respondent was also ordered to maintain suitable housing, obtain a legal source of income, and maintain contact with her worker, Stacy Barnhill. When the termination hearing took place in September 2008, all of the conditions leading to adjudication continued to exist, and respondent was unable to demonstrate an ability to properly parent her children.

Although respondent successfully completed an intensive outpatient treatment program (IOP) and regularly submitted urine screens as a condition of her probation, she failed to follow up with counseling. In fact, respondent testified that she did not have a substance abuse problem. She also testified that she did not attend AA/NA because she did not want to surround herself with drug addicts and did not want to learn where she could obtain drugs. Respondent, therefore, did not deal squarely with her problems. Notably, respondent tested positive for drugs

in March 2008, after completing IOP and very limited therapy. Respondent's substance abuse issue was still a problem at the time of the termination hearing.

Respondent also continued to struggle with mental health issues. Respondent's February 2008 psychological evaluation was not favorable. Dr. Auffrey opined that respondent had a poor prognosis for being a successful parent. Respondent makes much of the fact that Auffrey's report recommends a re-evaluation of respondent's diagnosis. Auffrey believed that respondent was probably bipolar. This was not a revelation to respondent. The original petition filed in May 2007 references respondent's prior hospitalizations and problems with bipolar disorder. Respondent blames her worker for not offering additional services to treat her mental health issues, but respondent disappeared after the February 2008 psychological evaluation, cutting off contact with her worker entirely. Respondent admitted that, from March 2008 until the termination trial in September 2008, she received no counseling.

Respondent successfully completed parenting classes, but Barnhill testified that respondent failed to gain any insight from the classes and that her parenting skills were woefully lacking. Respondent may have attended all of the scheduled visits, but her behavior at those visits demonstrated that she did not have the requisite parenting skills to care for the children. Barnhill noted that, while there were some bright spots, respondent simply could not consistently parent effectively or kindly. Much of respondent's time at the visits was spent complaining about the foster care family and the staff. Instead of availing herself of time with the children, respondent used the visits to lodge complaints. Respondent also demanded that Amber and Jacob return all of their belongings, including Christmas presents, to respondent after Amber's DVD player was broken. Respondent did not seem to care about how her behavior affected the children. Respondent's parenting shortcomings were still apparent at the time of the termination hearing.

Respondent also struggled with housing and income. She testified that she earned between \$100 to \$150 a week at a flea market. However, because she failed to keep in contact with her worker, there was no way to verify respondent's income. Housing was one of the problems that brought the children into care. Respondent could not provide consistent stable housing, necessitating many moves and transfers to various schools. The strongest evidence against respondent regarding her housing situation was her own testimony and the testimony of her witnesses. All three of respondent's witnesses testified that respondent and the children lived with them at various times. Respondent admitted at least three prior evictions. Respondent moved to Allegan County with her mother and her aunt because "[t]hey decided that they were going to move and they were the ones paying the bills so I had to follow."

Respondent also had ongoing problems with the criminal justice system. She violated probation by failing to pay for her tether, violated the rules of tether by visiting her boyfriend, and continued to drive on a suspended license. In fact, respondent was arrested twice in August 2008 for driving on a suspended license and lying to police officers about her identity. One of the instances involved a hit and run accident where respondent fled the scene and later tried to implicate her aunt as the driver. During the second arrest, respondent lied and said she was her sister. Respondent also failed to meet with her probation officer. At the time of the termination hearing, a probation violation hearing was pending where respondent's officer was going to recommend that respondent's probation be revoked and a term of imprisonment be ordered.

Respondent's untreated substance abuse, untreated mental health issues, unsuccessful parenting, and her continued problems with criminal behavior, housing, and employment demonstrated that the conditions leading to adjudication continued to exist. These problems also demonstrated that, without regard to intent, respondent was unable to provide proper care or custody for the children. Finally, because of respondent's abusive parenting style and her continued brushes with the law, there was clear and convincing evidence that the children were at risk of harm if returned to her care.

Having found the statutory grounds for termination proven by clear and convincing evidence, the trial court was obligated to terminate respondent's parental rights if it was in the children's best interests to do so. MCL 712A.19b(5). Respondent's visits with the children did not go well. She spent much of the time complaining and failed to demonstrate that she could parent effectively or nicely. The evidence revealed that she would constantly interrogate the children about their foster care home. At one point, Jacob began to vomit before visits with his mother. Respondent argues that the trial court completely disregarded the testimony of her mother, her friend, and the children's paternal aunt. However, these witnesses were not entirely credible in that none of them believed that respondent's drug use or criminal behavior could impact her ability to parent the children. In addition, respondent's friend had not seen respondent with the children for over a year. The evidence revealed that when the children came into care they were trailing their peers academically. They were also socially standoffish and guarded. Since coming into care the children had flourished academically and socially. Barnhill and the CASA appointee both believed that the children wanted and needed a stable environment. Respondent could not provide the children any stability. Accordingly, there was no clear error with respect to the trial court's best-interests ruling.

Affirmed.

/s/ Stephen L. Borrello  
/s/ William B. Murphy  
/s/ Michael J. Kelly