

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CHELSIE LYNN CHAPEL,
FAROLD GENE CHAPEL, JR., ROSIE LYNN
CHAPEL, RUTHIE MAY CHAPEL, and
PATRICIA MARIE CHAPEL, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

FAROLD GENE CHAPEL,

Respondent-Appellant,

and

SHERRY LYNN CHAPEL,

Respondent.

In the Matter of CHELSIE LYNN CHAPEL,
FAROLD GENE CHAPEL, JR., ROSIE LYNN
CHAPEL, RUTHIE MAY CHAPEL, and
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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SHERRY LYNN CHAPEL,

Respondent-Appellant,

and

UNPUBLISHED
April 20, 2010

No. 293400
Oakland Circuit Court
Juvenile Division
LC No. 07-737807-NA

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FAROLD GENE CHAPEL,

Respondent.

Before: M. J. KELLY, P.J., and TALBOT and WILDER, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right an order that terminated their parental rights to the minor children under MCL 712A.19b(3)(g) and (j). Because we conclude that there were no errors warranting relief, we affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were met by clear and convincing evidence and that termination was in the best interests of the children. MCL 712A.19b(5); MCR 3.977(J); *In re Trejo*, 462 Mich 341, 355-357; 612 NW2d 407 (2000).

Respondents pleaded no contest to the allegations in the petition that they failed to protect their children from sexual abuse perpetrated by a family friend who was living with them, and that they had prior CPS involvement including sexual activity in front of the children, physical abuse, improper supervision, and medical neglect. Respondents underwent psychological evaluations, which determined that they suffered from cognitive impairments and had very low IQs. Their parent agency agreement included counseling, parenting classes, suitable housing, income, Clinic for Child Study evaluations, and regular visitation. As the case progressed, other parenting deficiencies became apparent, including very poor hygiene. Visits had to be stopped because respondents infected the children with head lice and, when respondents did visit with the children, they were not actively engaged with them, with the exception of the two youngest children. Eventually, the two oldest children became vocal in their desire *not* to visit respondents or return to their care.

At the termination hearing, the original caseworker testified that, although respondents completed parenting classes, the parenting advisor noted that they did not benefit from the classes. Respondents completed a second referral for parenting classes, attending a total of 24 to 30 classes, whereas the average for a respondent was generally between 12 and 15 classes. Similarly, respondents completed 36 therapeutic sessions, whereas the average was 12. Although respondents were considered low functioning, the caseworker believed that respondents knew what was expected of them and also believed that classes and therapy were appropriate for their capacity. In her opinion, respondents were just “not ready to parent these children and to look out for the best interest of their children.” She did not believe reunification could be accomplished in a year but might be accomplished in “five to six [years], maybe.” There was never a referral for family therapy because the children’s therapists did not believe the children were ready for family therapy.

Respondents’ therapist testified that, because of the allegations of sexual abuse, the goal was to develop strategies to protect the children in the future and build a trusting relationship with them. Respondents made progress, but had not yet completed the goal of taking personal and social responsibility for the care and protection of their children. Respondents’ lower than

average IQs “contributed to the pace of progress being slower than it may have been in other circumstances” and “also affected the therapy in that I have focused on specific and concrete things that they could do, not discussing things in the abstract.” The therapist wanted to continue with services but was told by the caseworker that no further services would be offered because a termination petition would be filed. The therapist could not say how long it would take respondents to meet their goals. Although respondents’ therapist believed respondents were ready for family therapy, she admitted that she did not know the children and did not know if they were ready.

The two oldest children did not want to return to respondents. Both expressed a desire to stay with their relative caregivers where they felt safe. The oldest child complained that when she was with respondents she often took on a mothering role—performing most of the household responsibilities.

At the best interests hearing, there was testimony from a psychologist who interviewed the individual family members. The psychologist did not believe that either respondent would be effective as a parent, and respondents could not co-parent because neither would recognize what the appropriate response would be in a certain situation and act appropriately. The children needed a stable and secure home, nurturing, and affection. Respondents could provide those things only in a very limited way and not at a level that the children would require. The psychologist believed that termination of respondents’ parental rights was in the children’s best interests. Although respondents had the potential to progress, he did not believe any significant progress would occur “in the near future.” Extending services to the family may not cause the children further injury, “but it would just prolong the injury.”

Termination of respondents’ parental rights was supported by clear and convincing evidence. Although respondents were making progress in therapy, their progress was slow and even their therapist was not sure of when, or even if, respondents would progress to the point where reunification would be a possibility. In fact, respondent father’s own testimony suggests that he actually made no progress at all. He testified that he did not know whether the children were actually abused and did not see a reason for the children to have come to the court’s attention in the first place. The record does not support respondent father’s contention that petitioner failed to offer respondents appropriate services. Respondents’ cognitive deficiencies may have been the cause of their slow progress, but it was clear that the services offered to them were appropriate. They received twice the number of parenting classes and three times the number of therapy sessions that parents usually receive. Although respondents’ therapist would have liked to see respondents offered in-home services or family therapy, the children’s therapists had indicated that the children were not ready for family therapy. Short of extending the amount of time to rehabilitate respondents to an indefinite number of years, there was little else that could be done for them.

Respondents’ failure to benefit from completed services served as a basis for terminating their parental rights under both subsections 19b(3)(g) and 19b(3)(j). Without regard to intent, respondents were simply not in a position to provide the children with proper care or custody within a reasonable amount of time. Also, the children originally came to the court’s attention upon allegations that respondents failed to protect the children from sexual abuse. Even their therapist testified that respondents had not achieved their goals, which were based largely on a

recognition of the abuse and the need to protect the children in the future. Respondents' cognitive deficiencies and personality traits simply did not allow for reunification any time soon.

Moreover, termination was in the children's best interests. The children were entitled to permanence and stability, which respondents could not provide within a reasonable time.

Affirmed.

/s/ Michael J. Kelly
/s/ Michael J. Talbot
/s/ Kurtis T. Wilder