

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

June 10, 2010

In the Matter of MORGADO, Minors.

No. 295186

Cass Circuit Court

Family Division

LC No. 08-000139-NA

Before: OWENS, P.J., and O'CONNELL and TALBOT, JJ.

PER CURIAM.

Respondent Brenda Morgado appeals as of right from an order that terminated her parental rights to her minor twin children pursuant to MCL712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination of respondent's parental rights were established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). The children were removed in October 2008 after respondent left them with her mother, Alice Brown, in order to go see a movie, but then failed to return for five days. Brown could not properly care for the children because of her own physical infirmities. Her home was without running water, and she had no legal authority to take the children to the doctor. Although Brown testified that she believed respondent was a good mother, even she admitted that respondent had not provided an adequate explanation for her whereabouts during that time. Respondent originally told the caseworkers that she had been hit on the head outside of an eating establishment and "blacked out." She stayed with a friend for two days and lost her cell phone, so she could not call her mother. At the time of the termination hearing, however, respondent's account of what happened was completely different. She testified that she was effectively held hostage by Scott Shepard, the children's putative father. Before the termination hearing, respondent never told anyone this version of events, although she was asked frequently what happened. Respondent's lack of candor severely limited her ability to benefit from services. Truthfulness and accountability were paramount in order to allow respondent to understand how her actions affected her children and their well-being.

Respondent initially complied with a psychological evaluation in November 2008. This was a promising first step, as the adjudication and disposition did not take place until December 2008. However, even though the psychologist recommended that respondent immediately begin individual therapy, respondent did not contact the office until March 2009. Respondent then missed the first appointment and her treatment did not begin until May 2009 -- six months after she could have begun and four months after she was ordered to begin. The psychologist believed that respondent's prognosis was poor based on her history of failing to comply with the service agreement. In addition to respondent's tardy start to individual therapy, she failed to consistently

drug test. She was ordered to begin submitting screens in January 2009, but she did not do so until April 2009. She also had numerous missed screens, claiming that she did not understand that a missed screen was deemed positive. Further, respondent missed the first scheduled appointment for the parenting assessment. Again, she provided more than one explanation for her absence. Quite simply, respondent did nothing for several months. At the termination hearing she claimed that she did not understand what was expected of her. However, her IQ testing was within the normal range, and everyone agreed that respondent appeared capable of understanding instructions and following through on the recommendations. Respondent's contention that the caseworkers did not make reasonable efforts to reunify the family was without merit. Respondent was not entitled to referrals for additional services until she began to minimally comply with the services already in place.

Although respondent loved the children, the consensus was that she did not possess the consistency, responsibility, or maturity needed to be a stable parent. She could not provide a safe and stable environment for them. Respondent's delay and lack of effort with respect to her case service plan was a predictor of her future actions as a parent. It was doubtful that additional time to comply with services would have yielded a different result. Respondent did well with the "mechanics" of parenting, such as feeding and diapering, but she seemed to be more of a babysitter than a mother. The children were simply not her priority.

The foregoing evidence supports the trial court's decision to terminate respondent's parental rights. The conditions leading to adjudication continued to exist without a reasonable likelihood that they would change in a reasonable amount of time considering the children's ages. Respondent would also not be in a position to care for the children within a reasonable amount of time. Finally, the children would have been at risk of harm if returned to respondent's care. Having found the statutory grounds proven by clear and convincing evidence, the trial court then had to determine whether termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5). The children were brought into care when they were only three months old and had been in care for nearly a year. All accounts were that respondent behaved appropriately and lovingly toward the children during visits. She tended to their needs. However, all accounts also indicated that respondent acted more like a babysitter than a mother. She refused to participate in services that would have facilitated reunification. The children were young and had been asked to wait for their mother long enough. They were entitled to permanence and stability.

Affirmed.

/s/ Donald S. Owens
/s/ Peter D. O'Connell
/s/ Michael J. Talbot