

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED  
December 21, 2010

In the Matter of S. D. FRANKLIN, Minor.

No. 299113  
Oakland Circuit Court  
Family Division  
LC No. 2006-717674-NA

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Before: DONOFRIO, P.J., and CAVANAGH and FITZGERALD, JJ.

PER CURIAM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor child (born June 1, 1996) pursuant to MCL 712A.19b(3)(b)(i), (g), and (j). We affirm.

Respondent has a history of using physical discipline against the child, who was previously removed from the home in 2006. The child was removed after another incident of physical abuse and respondent's parental rights were terminated at the initial dispositional hearing.

At the outset, we note that DHS properly exercised its discretion when it filed a permanent custody petition. MCL 722.638; MCR 3.977(E). Because termination of parental rights was the stated goal of DHS from the initiation of proceedings, it had no obligation to provide respondent with reunification services. To the extent that respondent claims that services to achieve reunification were not provided, her claim must fail. See *In re HRC*, 286 Mich App 444, 463; 781 NW2d 105 (2009); *In re Terry*, 240 Mich App 14, 25 n 4; 610 NW2d 563 (2000).<sup>1</sup>

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<sup>1</sup> Nonetheless, the record reveals that the full range of DHS services had been provided to respondent during the pendency of the 2006 petition and that respondent had not benefited from the use of those services. She completed a 10-week parenting class and underwent individual and family counseling. Respondent acknowledged that the services provided had been "very good" and involved service providers coming to her home almost every day and social workers coming once a week, yet she continued to physically abuse the child. She testified that no

Having concluded that respondent was not entitled to reunification services, we affirm the court's decision regarding the statutory grounds because respondent does not dispute that §§ 19b(3)(b)(i), (g), and (j) were proven by clear and convincing evidence.

Respondent does maintain, however, that the trial court clearly erred in finding that termination of respondent's parental rights was in S.D.'s best interests. We disagree.

Once a statutory ground for termination is established by clear and convincing evidence, a trial court must affirmatively find that termination of parental rights is in the child's best interest before terminating parental rights. MCL 712A.19b(5). Here, the trial court found that termination was appropriate with respect to the child, because termination was the only way to provide stability in the child's life. In its written opinion, the court stated:

The Court believes that the relationship between mother and her daughter has really deteriorated over the years to the extent that the chances for these individuals to reunite while the youngster remains a minor are very, very remote. However, mother's psychological is similar to that of her daughter, in that, both are very impulsive, very dramatic, and both have a hard time dealing with their frustrations. Mother is angry and casts aspersions on others rather than looking at herself as the source of problems. The Court believes that the continued avenue for this youngster to believe that she may be returning home is fought [sic] with disaster. The youngster is extremely manipulative of situations and it has been tough enough for her to follow authority figures, but if that authority is not clearly etched in stone the Court wonders if we are going to make progress with those issues. The Court read very carefully the excellent psychological report and agreed wholeheartedly with those recommendations.

Douglas Park, who performed the psychological evaluation, offered the following observations:

With regards to the question of Best Interest several points need to be made: Ms. Richardson has several personality characteristics that would interfere with her ability to parent including intense conflict between her desire to withdraw from personal relationships and her co-existent fears of abandonment, impulsive behavior, a low tolerance for frustration and this quality combined with poorly controlled anger and poor self-control which often results in outbursts of verbal and/or physical aggression. In addition, Ms. Richardson seems to be suffering from some anxiety and depression. Also, she likely has difficulty profiting from her experience and likely externalizes blame for her problems outside of herself. Finally, Ms. Richardson acknowledged "I thought that I was disciplining her (S.D.) correctly, but she thinks it's abuse and the County thinks its [sic] abuse, but of course I don't think its [sic] abuse." Because of this, Ms. Richardson may continue to use physical discipline and have it lead to abuse.

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amount of classes could help her cope with a difficult child. DHS workers testified that they had nothing more to offer respondent in the way of services.

With regards to Best Interest for S.D., the relationship seems to have deteriorated between S.D. and her mother to the point that S.D.'s mother reported "I don't know that S.D. and I can live together as mother and daughter if I have to follow someone else's guidelines in disciplining her. I don't want to raise S.D. If I'm not the best mother for her then she should be with somebody else." Given the above concerns and the deteriorated relationship between S.D. and her mother, the recommendation is that Ms. Richardson's parental rights be terminated to S.D.. It is further recommended that S.D. have individual psychotherapy and that S.D. follow through with any treatment recommendations.

Additionally, Lauren Schroeder, the foster care worker, opined that termination was in the child's best interests. In light of such evidence, the trial court did not clearly err in finding that termination was in the child's best interests.

Affirmed.

/s/ Pat M. Donofrio  
/s/ Mark J. Cavanagh  
/s/ E. Thomas Fitzgerald