

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
July 26, 2012

In the Matter of JACKSON/MYERS, Minors.

No. 308184
Oakland Circuit Court
Family Division
LC No. 09-766488-NA

Before: METER, P.J., and FITZGERALD and WILDER, JJ.

PER CURIAM.

Respondent appeals of right from the order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(i) and (j). We affirm.

Respondent does not challenge the trial court's finding that the grounds for termination under MCL 712A.19b(3) were established by clear and convincing evidence. "Once a ground for termination is established, the court must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000); MCL 712A.19b(5). This Court reviews both the trial court's best-interest determination and its decision to terminate parental rights for clear error. MCR 3.977(K); *In re Trejo*, 462 Mich at 356-357; *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

The children were removed from respondent's care for a second time just months after the closing of a 2009 neglect case. In both instances, the children were removed because of physical abuse by respondent that involved beating the two older children with her hands and a belt. In the previous proceedings, respondent was provided with services both inside and outside of the home, including transition services for approximately five or six months when the children were returned to the home. Within months of the transition services being completed the police were called to the home because respondent had beaten the two older children with a belt and threatened her father in front of the children with a butcher knife. Respondent was criminally charged and pleaded guilty of fourth-degree child abuse and felonious assault. She spent several months in jail and was placed on probation for two years.

We find no clear error in the trial court's determination that termination of respondent's parental rights was in the children's best interests. The trial court provided a clear and detailed explanation for its decision. The evidence presented at the termination hearing showed that respondent consistently physically abused the two older children and may have physically abused the youngest child as well. Respondent did not take responsibility for her behavior and

blamed others for it. She blamed the children for their actions and her father for allegedly threatening her. She also claimed that she learned in a parenting class that it was okay to hit the minor children with a belt, but that she was not told that she should “not leave a mark.” Respondent minimized her behavior and described her corporal punishment as a “tap.” The children suffered cuts and bruises, were in fear of respondent, and did not want to live with her. The bond that respondent had with the children was clearly outweighed by the abuse that she inflicted upon them. The children are entitled to live in a safe environment, and respondent was unable to provide such an environment.

Respondent contends that she should have been afforded more time to work toward unification with the children and provided with more services. However, services are not required in all situations, *In re Terry*, 240 Mich App 14, 26 n 4; 610 NW2d 563 (2000), and where, as in this case, petitioner requests termination in the initial petition there is no need to develop and consider a case service plan or to provide services because the permanency plan is termination, not reunification. *In re HRC*, 286 Mich App 444, 463; 781 NW2d 105 (2009). Further, respondent failed to derive any benefit from services previously offered and, in fact, continued abusing the children *after* receiving services and having the children returned to her. Consequently, respondent’s argument is without merit.

Affirmed.

/s/ Patrick M. Meter
/s/ E. Thomas Fitzgerald
/s/ Kurtis T. Wilder