

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MARK J. LUCIA, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DIANE CLAUS,

Respondent-Appellant.

UNPUBLISHED
October 16, 1998

No. 210137
Dickinson Juvenile Court
LC No. 97-000513 NA

In the Matter of ERIC LUCIA, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DIANE CLAUS,

Respondent-Appellant.

No. 210356
Dickinson Juvenile Court
LC No. 97-000514 NA

Before: Saad, P.J., and Hood and Gribbs, JJ.

MEMORANDUM.

In these consolidated appeals, respondent appeals as of right from a juvenile court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(g) and (j); MSA 27.3178(598.19b)(3)(g) and (j). We affirm.

Respondent claims that although there was evidence to support the statutory grounds for termination, termination was not clearly in the best interests of the children. She bases this claim on the fact that there was testimony that an open adoption, with continued contact between her and the children, was available and testimony that a closed adoption would not be in the children's best interest. Our review of the record leads us to conclude that in spite of the aforementioned testimony, the juvenile court did not err in finding that termination was in the best interests of the children.

The evidence revealed that despite years of intervention and services, respondent's parenting abilities and skills did not improve; she continued to suffer from a severe, ongoing mental illness, which effected her parenting abilities; her prognosis was guarded; and the children suffered emotional and psychological harm caused by respondent's parenting deficiencies. In addition, there was evidence to support that respondent may be unable or unwilling to respect any proper boundaries if an open adoption were pursued. She had a long history of non-compliance with instructions and boundaries given to her by service providers. In addition, she indicated that she had already told the boys that if they wanted to return to her at the age of seventeen or eighteen, she would provide a home for them. Moreover, she indicated a desire to see the boys weekly and telephone whenever she wished.

The juvenile court did not clearly err in finding that respondent failed to rebut the presumption that termination of her parental rights was in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hamlet (After Remand)*, 225 Mich App 505, 515; 571 NW2d 750 (1997); *In re Hall-Smith*, 222 Mich App 470, 471-474; 564 NW2d 156 (1997). Thus, the juvenile court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Henry William Saad

/s/ Harold Hood

/s/ Roman S. Gibbs