

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KRISTINA FRANCES
MCGIVNEY, AMBER MICHELLE MCGIVNEY,
AND LATRISICA ANN MCGIVNEY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CATHERINE MARILYN MCGIVNEY, a/k/a
CATHERINE MARILYN MORELL,

Respondent-Appellant,

and

MARK MCGIVNEY

Respondent-Appellant.

.

UNPUBLISHED

May 16, 2000

Nos. 220428;220471

Wayne Circuit Court

Family Division

LC No. 94-315673

Before: McDonald, P.J., and Gage and Talbot.

MEMORANDUM.

Respondents appeal as of right from the family court's order terminating their parental rights with respect to the three involved minor children pursuant to MCL 712A.19b(3)(b)(i) and (ii), (c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(b)(i) and (ii), (c)(i), (g) and (j). We affirm.

Our review of the record reveals that the family court did not clearly err in determining that a statutory ground for termination was established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The lower court record showed that the children remained in care for almost three continuous years while respondents attended counseling and therapy to address the father's physical abuse and the mother's previous failures to protect the children

from abuse, but that after all this time respondents achieved only minimal progress. The father failed to internalize any behavioral modification of his aggressive, impulsive and violent behavior or accept responsibility for his abusive behaviors, and testimony indicated that the father would require several years of involved therapy to incorporate behavioral changes. The mother continued throughout the children's placement in care to excuse the father's inappropriate behaviors, and demonstrated a reluctance to stand up against the father and a continued lack of appropriate interaction with the children. In light of respondents' lack of progress, termination was warranted pursuant to MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i). Thus, we need not specifically address the alternative grounds cited by the family court. Although the father contends that the court neglected consideration of his testimony that his counseling and therapy greatly benefited him, the court certainly was aware of the father's testimony and necessarily discredited it in reaching the decision to terminate respondents' parental rights. *Miller, supra*.

Furthermore, in light of evidence showing each child's special needs, respondents' prior failures to either recognize the children's needs or secure recommended treatment for those needs, and respondents' failures to otherwise show that the children's return to the parental home clearly would serve the children's best interests, the family court properly concluded that termination of respondents' parental rights best served the children's interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5).

Affirmed.

/s/ Gary R. McDonald

/s/ Hilda R. Gage

/s/ Michael J. Talbot