

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CAMISHA BRADLEY,
CHALEXIS BRADLEY, and DIAMOND
MERIDY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

VALERIE ANN JACKSON,

Respondent-Appellant,

and

CALVIN BRADLEY and THOMAS LEWIS,

Respondents-Not Participating.

UNPUBLISHED

June 8, 2004

No. 251866

Berrien Circuit Court

Family Division

LC No. 01-000077-NA

Before: Markey, P.J., and Wilder and Meter, JJ.

MEMORANDUM.

Respondent-appellant appeals by right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c)(i), (g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(A) and (E).

The trial court did not clearly err in determining that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence showed that respondent-appellant's dominant, easily incited personality resulted in frequent excessive discipline of the children, including beatings with a belt or extension cord, and biting. Respondent was able to properly parent the children in many respects, and they were not subject to neglect other than respondent's emotional distance. Respondent was a good housekeeper and was employed full-time, but did not progress in modifying her explosive personality and refraining from abusive physical discipline.

During the two-year course of these proceedings, respondent-appellant began participating in services and the children were returned to her within five months. Thereafter,

respondent-appellant refused the FIA caseworker access to her home, and later ceased in-home counseling. She refused to take medication prescribed for her stress and depression, or to otherwise modify her explosive temper. Another incident of slapping and biting resulted in removal of the children in August 2002, and respondent did not visit the children, participate in court proceedings, or indicate a desire to participate in services until May 2003.

Subsections 19b(3)(c)(i), (g), and (j) were established by respondent-appellant's refusal during the two-year course of these proceedings to address the emotional issues that resulted in excessive, abusive discipline of the children. She did not rectify the condition leading to adjudication, which was also failure to provide proper care or custody, and the evidence showed that she would not do so within a reasonable time. Her unresolved emotional issues left the children at risk of harm in her care. While the elements of §19b(3)(a)(ii) were also established, respondent-appellant did seek custody of the children after the ninety-one day statutory period, and this statutory subsection was not necessary for termination.

Further, the trial court did not clearly err because the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The family was bonded, but the fact that the children would spend their childhoods with the constant specters of being beaten and bit because of respondent-appellant's emotional issues and temperament outweighed the fact that the bond between the children and respondent-appellant, and one another, would be severed.

The trial court did not err in terminating respondent-appellant's parental rights to the children.

We affirm.

/s/ Jane E. Markey
/s/ Kurtis T. Wilder
/s/ Patrick M. Meter