

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CARISSA LHUILLIER, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

WENDY LHUILLIER,

Respondent-Appellant,

and

TIMOTHY LHUILLIER,

Respondent.

UNPUBLISHED

November 28, 2006

No. 268112

Jackson Circuit Court

Family Division

LC No. 05-000156-NA

Before: White, P.J., and Zahra and Kelly, JJ.

PER CURIAM.

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

Protective Services had provided services to respondent-appellant and her husband, respondent Tim Lhuillier (Lhuillier) in 2004 to address domestic violence issues. In February 2005, Protective Services became involved again when, after reporting that Lhuillier had assaulted her, respondent-appellant sought a personal protection order and reported to a legal advocate that Lhuillier may have sexually assaulted the minor child. Additionally, respondent-appellant appeared to be in pain, incoherent, and unable to care for the children.

Respondent-appellant was ordered by the court to complete a psychological evaluation, participate in individual therapy to address domestic violence issues, complete parenting classes, submit random drug screens, undergo an assessment at a pain management clinic and follow any recommendations, and visit the child.

Respondent-appellant suffered from fibromyalgia, a painful chronic fatigue disease that she stated caused her severe pain and memory concentration impairment. She took four

prescription medications, including narcotics, to treat the symptoms of her disease. During the course of the proceedings, respondent-appellant's caseworker expressed concerns that respondent-appellant was abusing narcotics because she often slurred her words and her speech was incoherent. Respondent-appellant alleged that these conditions resulted from her disease, not overmedication. However, she refused to show the caseworker her drugs and dosages or sign a medical release so that petitioner could determine from her drug screens whether the medication levels were consistent with the prescribed dosages. She submitted very few requested screens.

Though respondent-appellant had progressed in her counseling, she failed to complete it. She continued to see Lhuillier despite being advised by the caseworker that she should avoid him and, as of the date of the termination trial, was living with him, claiming that he had changed. Respondent-appellant denied making any allegations that Lhuillier had sexually assaulted Carissa and refused to cooperate in the investigation.

Respondent-appellant's failure to adequately address the domestic violence issues, her inability to see the danger presented by Lhuillier, and her refusal to disclose information regarding her medication all support the trial court's decision to terminate her parental rights under the three cited statutory grounds. MCR 3.977(G)(3); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent-appellant's parental rights to the child.

Affirmed.

/s/ Helene N. White
/s/ Brian K. Zahra
/s/ Kirsten Frank Kelly