STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of KEVIONNA LENEE RYDER,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KENESHA RENEE RYDER,

Respondent-Appellant,

and

KEVIN RAND,

Respondent.

UNPUBLISHED
February 19, 2008

No. 280157
Berrien Circuit Court
Family Division
LC No. 2006-000023-NA

Before: Talbot, P.J., and Cavanagh and Zahra, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

On appeal, respondent argues that the requisite statutory grounds for termination were not established. We disagree.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). If a statutory ground for termination is established, the trial court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353; 612 NW2d 407 (2000). The trial court's decision terminating parental rights is reviewed for clear error. MCR 3.977(J); *Trejo*, *supra* at 355-357; *Sours*, *supra* at 632-633. A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003); *In re Miller*, 433 Mich 331, 337; 445

NW2d 161 (1989). Regard is to be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it. MCR 2.613(c); *Miller*, *supra* at 337.

The trial court did not clearly err in terminating respondent's parental rights pursuant to MCL 712A.19b(3)(c)(i). Respondent did not complete parenting classes and failed to improve her parenting skills to the point where Kevionna would be protected in her care. Further, while respondent made some progress in outreach counseling, she did not fully invest herself in counseling sessions until June 2007, after the permanent custody petition was filed. There was no evidence that respondent gained sufficient insight or benefit from counseling or parenting classes to show that she had changed. A parent must benefit from services and make changes necessary to "reach an acceptable level of parenting skill." *In re Dahms*, 187 Mich App 644, 647; 468 NW2d 315 (1991).

Additionally, respondent was never able to obtain independent housing or maintain employment. Respondent's issues with housing, employment, parenting skills, emotional stability, and intellectual ability continue to exist. Given the lengthy amount of time (over seventeen months) respondent had to modify her thinking, her history of little progress, her extensive involvement with petitioner before Kevionna's removal, and the many opportunities she had to make improvements and benefit from the services, there was no reason to believe she would make sufficient progress any time soon.

The trial court also did not err in terminating respondent's parental rights pursuant to MCL 712A.19b(3)(g). During visitation with Kevionna, respondent demonstrated her lack of parenting skills and inability to provide proper care. Respondent's visits with Kevionna were inconsistent and were demonstrated to be a low priority. Respondent was often late for visits and indicated that 8:00 a.m. visiting hours were too early for her. Further, she never fully engaged Kevionna during parenting time. It was Kevionna who directed their interactions. Respondent did not organize activity or follow through with disciplinary measures when necessary. The mother-child bond was also missing from their relationship.

In addition, by engaging in criminal activity and in failing to address her probationary requirements timely, respondent demonstrated that providing proper care for Kevionna was not a priority. Further, the doctrine of anticipatory neglect should apply to protect Kevionna. *In re Powers*, 208 Mich App 582, 589; 528 NW2d 799 (1995); *In re Dittrick Infant*, 80 Mich App 219, 222; 263 NW2d 37 (1977). Based on the doctrine of anticipatory neglect, respondent's neglectful treatment of Kevionna's sister Kennecia, who was subject to a guardianship, demonstrated that she would likely neglect Kevionna.

Respondent argues that there was no evidence of long time neglect or serious threats to the future welfare of Kevionna. Thus, she claims termination of her parental rights under MCL 712A.19b(3)(j) was clearly erroneous. We disagree. The proofs established that respondent failed to discipline Kevionna and redirect her when she engaged in dangerous behaviors during visitation with respondent. Respondent's inability to provide a stable home also threatened harm to Kevionna's emotional well-being. Additionally, while in respondent's care, Kevionna had several experiences in the emergency room from medical neglect for dehydration, vomiting, and diarrhea. Because there was no evidence that respondent had gained sufficient insight or improved her parenting skills, there continued to be a risk of harm to Kevionna's health and well-being in respondent's care. Kevionna would be at a high risk for abuse and neglect in

respondent's care given the lack of bonding, improper caretaking, and Kevionna's high energy level, which conflicted with respondent's low level of energy.

Despite respondent's arguments to the contrary, given her history and level of noncompliance, additional time and continuing services would not have allowed her to make the necessary progress. Additional time would have only delayed stability for Kevionna whose time in foster care resulted in her viewing her foster parent as a mother figure with whom she has a parental bond.

Affirmed.

/s/ Michael J. Talbot
/s/ Mark J. Cavanagh
/s/ Brian K. Zahra