STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of AMBER DANIELLE WREN, RYAN CHRISTIAN WREN, BRIEYONNA MAKAILLA WREN, and BRENNDON ALEXANDRE WREN, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LUCRETIA DARLEEN WREN,

Respondent-Appellant.

UNPUBLISHED
October 23, 2008

No. 282444
Oakland Circuit Court
Family Division
LC No. 98-606188-NA

Before: Schuette, P.J., and Murphy and Fitzgerald, JJ.

PER CURIAM.

Respondent appeals as of right the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(g) and (j). We affirm.

I. FACTS

Louis Andraski, a Children's Protective Services (CPS) worker from the Department of Human Services (DHS), was assigned to respondent's file in August 2007. Respondent's file with DHS reflected 19 or 20 referrals, dating back to 1998. Contact was made with respondent on every referral received, and respondent was offered services in connection with the case according to agency policy. In September 2007, Andraski investigated a January 2006 referral, concerning abuse, neglect, and improper supervision. Andraski discovered evidence of rats in the basement, at least one hundred boxes of expired food, a horrible odor of human waste, and blankets on every window of the home.

Wayne Macintosh, a court clinical psychologist, interviewed respondent, Amber, Ryan, and Brieyonna. Macintosh testified that his interviewing and testing revealed that the children had suffered "considerable emotional abuse in the home as well as physical abuse." The children told Macintosh multiple stories of physical abuse in which respondent hit or kicked the children. Respondent had previously locked the children in their rooms. Respondent currently locked Brieyonna in her room during the daytime, forcing her to use a "potty" chair in the room, if necessary. Respondent slept in the nude with three-year-old Brenndon. The children were

forced to make false allegations of sexual abuse against each of their fathers. Respondent threatened the children that she would kill them and herself if CPS were to become involved in their family. When asked about returning to their mother's care, Amber stated that she would rather be hit by a train, Ryan stated that he would not go back to live with his mother, and Brieyonna gave a thumbs down and said "no, no, no." Macintosh also determined that respondent is "highly self centered, willing to manipulate and use others to achieve her own ends, [and] she [is] highly over-reactive emotionally, so much so that it could include rage and highly impulsive behavior." Macintosh recommended a long term placement of the children away from their mother, and that termination of parental rights would be consistent with his recommendation.

Respondent denied most accounts of physical abuse, admitting she merely smacked Brieyonna's hands as punishment. Respondent stated that the rat droppings discovered by Andraski must have fallen out of an old box she had thrown out. Respondent stated that the family can go through ten boxes of food in less than a month, and that was the reason for the stacked boxes of food. Respondent stated that the "horrible odor" was a backup of the toilet, which was now fixed. Respondent also testified that she had taken some parenting classes and counseling after the 1998 referral; but respondent could not remember anything she had learned.

Following the parties' arguments, the court made its findings of fact and conclusions of law. The court held that termination of respondent's parental rights was in the best interest of the children.

II. STATUTORY GROUNDS FOR TERMINATION OF PARENTAL RIGHTS

Respondent contends that the trial court erred in finding clear and convincing evidence to support the statutory grounds for termination. We disagree.

A. Standard of Review

On appeal from termination of parental rights proceedings, this Court reviews the trial court's findings under the clearly erroneous standard. MCR 3.977(J); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005). "In order to terminate parental rights, the trial court must find that at least one of the statutory grounds [for termination under] MCL 712A.19b(3) . . . has been met by clear and convincing evidence." *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991).

B. Analysis

First, we find respondent's argument that petitioner did not make reasonable efforts to work with her and provide services to reunite her with her children without merit. Petitioner was not required to make reasonable efforts toward reunification because termination was sought at the initial dispositional hearing. MCL 712A.19b(4) and (5); MCR 3.977(E). Moreover, despite the numerous services and opportunities given to respondent to improve her parenting skills over a ten-year period, she continued to engage in the same behaviors and to insist that services were not needed. Respondent's reliance on *In re Newman*, 189 Mich App 61; 472 NW2d 38 (1991), is misplaced. Unlike the respondents in *Newman*, respondent did not demonstrate a willingness to

learn and was not cooperative, and there was no evidence that she had limited intellectual capacity. In addition, unlike the respondents in *Newman*, respondent had been given prior services and had a ten-year history of involvement with the department.

The evidence revealed that respondent physically and mentally abused the children and kept an unsuitable home. Respondent had a long history with the department, she failed to benefit from the prior services provided, she denied any wrongdoing and placed the blame on others, and she failed to cooperate with the workers; therefore, we find that the trial court did not err in finding clear and convincing evidence to support termination of respondent's parental rights under MCL 712A.19b(3)(g).

Next, there was clear and convincing evidence that the children would be at great risk of harm if returned to respondent. The older children testified about numerous instances of physical and mental abuse inflicted by respondent on them and the younger children. They had been afraid to report this abuse to the authorities because of threats made by respondent. Respondent also forced them to make false claims of sexual abuse against their fathers. Respondent had failed to benefit from services or make any real changes. It was clear that she would continue her patterns of behavior. The trial court did not clearly err in terminating respondent's parental rights under MCL 712A.19b(3)(j).

III. BEST INTERESTS OF THE CHILD

Respondent also argues that the trial court erred in its best interests determination. Again, we disagree.

A. Standard of Review

Once a statutory ground for termination is established by clear and convincing evidence, the trial court must terminate parental rights unless there is evidence that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). We review the trial court's decision on the best interests question for clear error. *Trejo, supra* at 356-357.

B. Analysis

We find the trial court did not err in holding that termination of respondent's parental rights was in the children's best interest. The children had suffered considerable emotional and physical abuse from respondent. Except for the youngest child, who was too young to be interviewed, the children told the court clinical psychologist that they did not want to return to respondent's care. It is clear that the court found the children's testimony to be credible. MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). There was clear and convincing evidence to support the court's determination that termination of respondent's

parental rights would be in the children's best interest.

Affirmed.

/s/ Bill Schuette
/s/ William B. Murphy
/s/ E. Thomas Fitzgerald