

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JOHN THOMAS RAGEN, JR.,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KIMBERLY A. PARZUCHOWSKI,

Respondent-Appellant,

and

JOHN T. RAGEN,

Respondent.

In the Matter of JOHN THOMAS RAGEN, JR.,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JOHN THOMAS RAGEN,

Respondent-Appellant,

and

KIMBERLY A. PARZUCHOWSKI,

Respondent.

UNPUBLISHED
February 24, 2009

No. 285822
Wayne Circuit Court
Family Division
LC No. 02-410284-NA

No. 285823
Wayne Circuit Court
Family Division
LC No. 02-410284-NA

Before: Whitbeck, P.J., and O'Connell and Owens, JJ.

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right from the trial court's order terminating their parental rights to the minor child pursuant to MCL 712A.19b(3)(g) and (j). We affirm. These appeals have been decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err when it found that petitioner had established the statutory grounds for terminating respondents' parental rights. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence showed respondents abused prescription drugs during various periods of time from 2002 to 2007, sometimes to the extent that they were unable to stand, speak, or remain conscious. This rendered them unable to properly care for and supervise the minor child. On at least two documented occasions, respondents drove while under the influence and had automobile accidents with the child in the vehicle. Respondents exposed their child to unfit environmental conditions in December 2007 and failed to ensure his safety.¹ Although there were no documented incidents of physical harm to the minor child, clear and convincing evidence showed that respondents were unable to protect, supervise and nurture the child while addicted to drugs and that the minor child was sad, lonely, forced to care for himself at times, and upset by respondents' inebriated condition. The child's exposure to physical dangers and his parents' lack of concern for the emotional trauma they caused their son to experience indicate that the child would continue to suffer physical and emotional harm if returned to his parents' care; therefore, termination is warranted under MCL 712A.19b(3)(j).

There was no reasonable expectation that respondents would definitively conquer their addictions within a reasonable time, so termination is also appropriate under MCL 712A.19b(3)(g). Evidence showed that respondents were addicted to prescription medication several years before their first involvement with protective services in 2002. In addition, the mother participated in three, and the father participated in two, treatment programs between 2002 and 2004, but all were unsuccessful. In December 2007, respondent father stated that respondents were doing nothing wrong by abusing prescription medication and argued that he could properly parent the child while addicted to prescription drugs. These statements indicate that the father did not appreciate the fact that he neglected his child and exposed the minor to a poor home environment, and they show that the father did not find sobriety desirable or planned to seriously pursue it. If the minor child were returned to respondents, he would likely suffer the harm arising from repeated exposure to physical danger, a lack of physical care and supervision, and the false example of substance abuse as something normal and acceptable.

Further, the evidence did not show that termination of respondents' parental rights was clearly contrary to the minor child's best interests. MCL 712A.19b(5);² *In re Trejo Minors*, 462

¹ For example, the child had access to sharp knives and was exposed to potential fire hazards.

² After respondents' parental rights were terminated, the statute was amended by 2008 PA 199, effective July 11, 2008, and now requires that a court affirmatively find that termination is in the
(continued...)

Mich 341, 356-357; 612 NW2d 407 (2000). The evidence presented indicated that the nine-year-old child had resided with respondents for all but one or two years of his life, loved them, and was strongly bonded to them.³ The child probably would suffer emotional distress if he were permanently separated from them. The child also expressed a preference to return to respondents, where he felt safe.

Regardless, given the entirety of the evidence, termination of respondents' parental rights was not clearly contrary to the child's best interests. The trial court rightfully expressed concern that the child believed that the unfit environment created by respondents was normal and safe. The child could not return to respondents' care within a reasonable period of time without being neglected and placed at risk of harm. Further, respondents were teaching the child to view drug abuse and neglect of children as an acceptable path in life to follow. The abject harm that the child would experience if returned to his parents far outweighed the emotional distress that he would suffer as a result of termination. The trial court did not err in terminating respondents' parental rights.

Affirmed.

/s/ William C. Whitbeck

/s/ Peter D. O'Connell

/s/ Donald S. Owens

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child's best interests before it can order termination.

³ A 2004 guardianship was short-lived.