STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of BRYAN SCHOONOVER and BRANDEN SCHOONOVER, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SHARON SHARPE,

Respondent-Appellant,

and

LEONARD SCHOONOVER,

Respondent.

UNPUBLISHED
November 24, 2009

No. 291260
Jackson Circuit Court
Family Division
LC No. 06-005709-NA

Before: Meter, P.J., and Murphy, C.J., and Zahra, J.

PER CURIAM.

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

The trial court did not clearly err in finding that § 19b(3)(g) was established by clear and convincing evidence. MCR 3.977(J); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003). The children were removed from respondent's home because of educational neglect, homelessness, and respondent's lack of financial stability. It was later revealed that respondent had untreated mental health issues that affected her ability to parent. Respondent obtained a one-bedroom apartment, intermittent employment, and participated in services, but failed to benefit from them. She denied that she had mental health issues or any need for therapy, and respondent blamed her children for the circumstances that led to their removal. Respondent's therapist testified that respondent was incapable of parenting her children. Considering respondent's failure to accept responsibility for the issues that led to the children's removal, her continued lack of stability, her unwillingness to treat or even acknowledge her mental illness, and considering the record as a whole, there was sufficient evidence establishing a failure to provide proper care and custody for

the children with no reasonable expectation that respondent would be able to properly parent the children within a reasonable time.

Respondent's argument that the trial court relied on inadmissible hearsay statements made by the children to a caseworker and therapist does not warrant reversal. The trial court acknowledged the existence of some new allegations and circumstances upon which it could only consider legally admissible evidence relative to addressing the statutory ground for termination. The court then indicated that consideration of any genuine hearsay would be limited to its ruling on the children's best interests. See *In re CR*, 250 Mich App 185, 206-207; 646 NW2d 506 (2002) ("Some of the hearsay created an appropriate evidentiary foundation for the family court to consider in the context of its best interests determination, after finding clear and convincing, legally admissible evidence to terminate . . . parental rights."); MCR 3.977(F)(1). Even assuming that the court contemplated the alleged hearsay, and that it actually was hearsay under MRE 801, relative to new allegations in ruling that § 19b(3)(g) was satisfied, there was more than enough untainted evidence to support termination under § 19b(3)(g). Also, we reject respondent's argument that the parent-agency agreement was inadequate in addressing her problems, thereby rendering the termination order improper. It was respondent's inability to benefit from the agreement and to acknowledge and adequately address her problems that led to termination, not any inadequacies in the agreement itself.

Also, considering respondent's lack of progress, the length of time the children had been in placement, that the children were not bonded to respondent and did not want to be reunited with her, and the children's need for stability and permanency in order to meet their physical, emotional, and educational needs and to facilitate their growth and development, the trial court did not clearly err in finding that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Patrick M. Meter
/s/ William B. Murphy
/s/ Brian K. Zahra