

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
November 2, 2010

In the Matter of HILL, Minors.

No. 297076
Kent Circuit Court
Family Division
LC No. 09-054491-NA

Before: WILDER, P.J., and SERVITTO and SHAPIRO, JJ.

MEMORANDUM.

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

Respondent does not dispute that the statutory grounds for termination were established by clear and convincing evidence. She contends only that the trial court erred in finding that termination of her parental rights was in the children's best interests. MCL 712A.19b(5). We disagree.

We review the trial court's decision for clear error. MCR 3.977(K); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent's parental rights to four other children were previously terminated in November 2005, and her parental rights to another child were previously terminated in October 2006. Respondent has shown little insight into the reasons for the prior terminations, and does not accept responsibility for the conditions that led to the children's removal. Notably, one of the grounds for the prior terminations was the respondent's failure to provide proper medical care for the children, despite their significant and acute medical conditions. For example, one of the children had a hernia that respondent failed to address, and another suffered from severe diaper rash. There was also an indication that while respondent lived in a shelter with these children, shelter workers frequently attended to the children's needs, such as wiping noses and cleaning bottles, because respondent failed to do so.

Here, respondent failed to obtain prenatal care while pregnant with the twins, despite the fact that she had complications with her prior pregnancies. At 31 weeks gestation, respondent reported to the hospital with complications. Respondent was advised that the twins were in distress and that an emergency C-section was necessary to save the babies' lives. Respondent initially declined the C-section and expressed a desire to leave the hospital to seek a second opinion. Further, because the twins were born prematurely, it appears that they have medical concerns that will continue to need to be addressed. Given respondent's pattern of neglecting her children's health, it would not be in the children's best interests to be in her care and custody.

In addition, according to psychological evaluations, respondent tended to be reliant on others, even when doing so was contrary to her or her children's best interests. It was indicated that the difficulties that have prevented respondent from providing care to her children continue to exist and are unlikely to change. In addition, respondent's current partner, the children's putative father, lacks the cognitive capacity to be the primary caretaker. Given the above, the trial court did not clearly err in finding that termination of respondent's parental rights was in the children's best interests.

Affirmed.

/s/ Kurtis T. Wilder
/s/ Deborah A. Servitto
/s/ Douglas B. Shapiro