

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KREJCI, Minors.

UNPUBLISHED
December 17, 2013

No. 315653
Wayne Circuit Court
Family Division
LC No. 11-499231-NA

Before: JANSEN, P.J., and O'CONNELL and M. J. KELLY, JJ.

PER CURIAM.

Respondent appeals by right the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

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 and that termination is in the best interests of the children. MCL 712A.19b(5); see also *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). The trial court's decision to terminate parental rights is reviewed for clear error. MCR 3.977(K). 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; 455 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. *Id.*

The statutory grounds set forth in MCL 712A.19b(c)(i) and (g) were established by clear and convincing evidence in this case. Respondent was diagnosed with mild mental retardation. She had a history of depression and suicidal ideations. At the time of the adjudication, respondent left her children unsupervised at home. Respondent's inadequate parenting skills, which led to the adjudication, continued to exist at the time of the termination hearing, and there was no reasonable likelihood that respondent's issues would be rectified within a reasonable time. Respondent remained unable to fully comprehend and apply parenting-skills lessons so her ability to parent had not improved. She had difficulty watching both children at the same time and structuring activities for them. Respondent never demonstrated an ability to discipline her children and had no parental authority over them. She was anxious around the children and admitted that she was unable to care for them. Respondent was also unable to protect the children, which was demonstrated when her son ran into the street and respondent neither

stopped him nor went after him. Additionally, respondent blatantly favored her daughter over her son, which caused her son to act out.

Respondent was also unable to provide suitable housing for her children. She had been living in a group home for more than a year. There was no evidence to suggest that she would be moving from the group home in the near future. Since the children could not live with respondent in the group home, she failed to meet the treatment plan requirement that she obtain housing. The evidence established that even if respondent were to live in a different setting, she would be unable to care for the children without 24-hour assistance.

Moreover, the children's special needs made parenting even more challenging. Respondent's son has speech and cognitive delays and mental health issues. Her daughter also has a speech delay and difficulty walking. Respondent has shown that she does not understand her children's special needs. Given respondent's tendency to go off with strangers, get involved with abusive men, and her inability to remember to take prescribed medication, it is clear that respondent is unable to ensure her own safety, let alone the safety of her children.

Respondent argues that she was compliant with her treatment plan. However, a parent must benefit from the services offered so that she can improve her parenting skills to the point where the children are no longer at risk in the parent's custody. It is necessary, but not sufficient, to comply with the terms of the treatment plan. *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005). In this case, the testimony revealed that respondent lacked the parenting capacity to respond to her children's needs and provide them with a suitable home environment. Further, respondent would need constant support to parent her children in her home. Because the conditions leading to adjudication continued to exist and respondent would not be able to provide proper care and custody within a reasonable time, termination of parental rights was proper under MCL 712A.19b(3)(c)(i) and (g).¹

Affirmed.

/s/ Kathleen Jansen
/s/ Peter D. O'Connell
/s/ Michael J. Kelly

¹ Respondent does not separately argue that termination of her parental rights was not in the children's best interests. See MCL 712A.19b(5).