

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of MICHAEL SIMONS, MATTHEW SIMONS, MARK SIMONS, SUSAN SIMONS and AMBER SIMONS, Minors.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

UNPUBLISHED  
September 25, 2003

v

CHRISTINE SIMONS, a/k/a CHRISTINE HEARTWELL,

No. 243073  
Genesee Circuit Court  
Family Division  
LC No. 99-111540-NA

Respondent-Appellant,

and

LEROY SIMONS,

Respondent.

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Before: Bandstra, P.J., and White and Donofrio, JJ.

PER CURIAM.

Respondent Christine Simons appeals as of right from the trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(ii), (c)(i), (g) and (j). We affirm.

The trial court did not clearly err in finding that statutory grounds for termination were established by clear and convincing evidence. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence showed that at the time of the termination hearing the family had been involved with protective services for more than ten years, during the last three of which the children had been under the jurisdiction of the court as a result of neglect, unsafe and unfit living conditions, and abnormal sexual behavior between the siblings. The evidence also showed that had respondent persistently and appropriately addressed the children's abnormal sexual behavior when it initially surfaced in 1995, and implemented the designed safety plans, the subsequent,

extensive sexual abuse that the children suffered could have been averted. MCL 712A.19b(3)(b)(ii). However, as a result of respondent's incessant denial, lack of supervision, and failure to protect, the children have been sexually molested by each other, their father, and a babysitter, and have very high levels of anxiety, depression, and anger. In addition, services were provided to respondent for several years, and respondent was given ample opportunity to demonstrate her ability to care for the children, but failed to sufficiently benefit from the services offered.

The evidence also showed that respondent blamed the children for the sexual activity, resisted therapy for herself and the children and, rather than focusing on the children's needs, felt that she was being victimized and punished by "the system." In addition, despite years of assistance with housekeeping, respondent continuously failed to maintain a clean and safe home, and blamed the children for the deplorable condition of the home. The evidence further showed that respondent has a tenuous relationship with the children, is unable or unwilling to internalize and employ proper parenting skills, prioritizes her needs above those of the children, and makes inappropriate decisions regarding the children's well-being. Respondent also failed, throughout the case, to consistently and substantially comply with the parent-agency agreement, which was designed to enable her to address the issues that brought the children into care and to regain custody of her children. The trial court could properly consider respondent's failure to comply with the parent-agency agreement as an indication that the past neglect would continue. See *In re Hall*, 188 Mich App 217, 223-224; 469 NW2d 56 (1991); *In re Miller*, 182 Mich App 70, 83; 451 NW2d 576 (1990).

Contrary to respondent's assertion, simply attending a few counseling sessions, parenting classes, and family visits was not enough to preclude termination of her parental rights under the circumstances of this case. The evidence clearly established that respondent was either unwilling or unable to make the necessary growth to regain custody of the children. Considering respondent's history, conduct, and lack of parenting skills, there is no reasonable likelihood that her circumstances will sufficiently change or improve and, therefore, no reasonable expectation that she will be able to provide proper care and custody within a reasonable time considering the ages of the children. MCL 712A.19b(3)(g). Further, there is a reasonable likelihood that the children will be harmed if returned to respondent. MCL 712A.19b(3)(j).

The evidence also did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). To the contrary, the evidence showed that the children have been abused and negatively impacted while in respondent's care, that they feel safe and protected in foster care, and that they would be prone to further abuse if they are returned to respondent. The evidence also showed that the children have needs, which require loving, understanding, emotionally stable and supportive parents. Given respondent's demonstrated deficiencies, and failure to sufficiently benefit from the services offered, it is unlikely that she would be able to sufficiently address the children's needs within a reasonable time. MCL 712A.19b(3)(c)(i).

We reject respondent's claim that termination was not in the children's best interests because suitable relative placement was available. While it is true that a determination of a child's best interests may include consideration of the availability of suitable alternative homes

and placement with relatives, *In re Mathers*, 371 Mich 516, 530; 124 NW2d 878 (1963); *In re Futch*, 144 Mich App 163, 170; 375 NW2d 375 (1984), a court is not under a duty to place a child with relatives, *In re Sterling*, 162 Mich App 328, 342; 412 NW2d 284 (1987). Rather, if it is in the best interests of the child, the court properly may terminate parental rights rather than place the child with relatives. *In re IEM*, 233 Mich App 438, 453; 592 NW2d 751 (1999). Here, the evidence clearly showed that the proposed relatives were neither suitable nor prepared to care for the children. Thus, the trial court did not err by terminating respondent's parental rights to the children. *In re Trejo, supra*.

We affirm.

/s/ Richard A. Bandstra  
/s/ Helene N. White  
/s/ Pat M. Donofrio