

**Court of Appeals, State of Michigan**

**ORDER**

In re Jankowski, Minor

Docket No. 258466

LC No. 02-413054-NA

Richard A. Bandstra  
Presiding Judge

E. Thomas Fitzgerald

Patrick M. Meter  
Judges

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The Court's unpublished per curiam opinion in this case, which was released on May 19, 2005, erroneously refers to both of respondent's minor children in its analysis and disposition of the appeal. Because respondent's claim of appeal as to her minor son was dismissed as moot by order of this Court on November 5, 2004, we hereby clarify that the opinion pertains to respondent's minor daughter only.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 21 2005  
Date

Sandra Schultz Mengel  
Chief Clerk

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of ZACHARY JANKOWSKI and  
PATRICIA JANKOWSKI, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHARITY JANKOWSKI,

Respondent-Appellant,

and

DWIGHT LEE CAREY,

Respondent.

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UNPUBLISHED

May 19, 2005

No. 258466

Wayne Circuit Court

Family Division

LC No. 01-413054 NA

Before: Bandstra, P.J., and Fitzgerald and Meter, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(ii), (c)(i), (g), and (j). This appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

The trial court did not clearly err in determining that the statutory grounds had been established by clear and convincing evidence and in terminating respondent-appellant's parental rights. MCR 3.977(J); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991).

Respondent-appellant argues that the trial court erred because she successfully completed all the terms of the parent/agency agreement, cooperated with all the agencies, had sufficient income to provide for her children, and had a strong support system. In addition, there was evidence of bonding between respondent-appellant and the children and testimony that her behavior during visitation was appropriate. The evidence showed that respondent-appellant was mostly in compliance with the parent/agency agreement. She had cooperated with the agencies and therapists, had appropriately visited the children on a regular basis, and the children looked forward to her visits. However, even if respondent-appellant had completely complied with

everything that was required in the parent/agency agreement, this Court has held that mere compliance with the parent/agency agreement or case service plan is not sufficient. This Court has held that “it is not enough to merely go through the motions; a parent must benefit from the services offered so that he or she can improve parenting skills to the point where the children would no longer be at risk in the parent’s custody.” *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005).

Both of the minor children were developmentally delayed and had serious psychological problems, including inappropriate violence and sexual acting-out behaviors. Both children required several different therapies and medications, constant supervision, and trained caretakers. The evidence produced at trial demonstrated that, because of respondent-appellant’s intellectual limitations and her dependency on others for her day-to-day living and decision-making, she did not have the capacity or understanding necessary to effectively benefit from the services offered and to safely care for these special needs children. Although respondent-appellant received Supplemental Security Income (SSI) payments, the psychologist testified that respondent-appellant could not live independently and needed a strong support system available on a twenty-four hour basis. The evidence showed that respondent-appellant’s father, with whom she lived, would not be an appropriate father figure for the children because of his abusive and belittling attitude towards respondent-appellant, his lack of understanding about the seriousness of the children’s problems, and the fact that he took Zachary to a nudist colony several times. Respondent-appellant’s inability to identify any reasons for the violent and sexual acting out by the children demonstrated that she would not be able to protect them from abuse or harm if they were returned to the home. It was clear that respondent-appellant did not sufficiently benefit from the services offered. The threat to the safety of the children in the home had not been reduced and it was likely the children would be neglected if returned to respondent-appellant. Accordingly, we find no merit to respondent-appellant’s argument that termination was in error merely because she complied with the requirements in the parent/agency agreement.

Respondent-appellant also contends that the trial court erred in finding that it was in the best interest of the children to terminate parental rights. The only evidence produced at trial to support respondent-appellant’s argument is that the children looked forward to respondent-appellant’s visits and the caseworkers agreed that there was a bond between respondent-appellant and the children. However, we conclude, in light of the clear and convincing evidence supporting the termination of respondent-appellant’s parental rights, that the bonding between respondent-appellant and the children was not sufficient to support a finding that termination was clearly not in the children’s best interests. MCL 712A.19b(5). Accordingly, we hold that trial court did not err in finding that termination of respondent-appellant’s parental rights was in the children’s best interest.

We affirm.

/s/ Richard A. Bandstra  
/s/ E. Thomas Fitzgerald  
/s/ Patrick M. Meter