

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MICHAEL DAVID TRUDELL,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOHN DAVID TRUDELL,

Respondent-Appellant.

UNPUBLISHED
September 29, 2005

No. 260566
Wayne Circuit Court
Family Division
LC No. 03-418147-NA

In the Matter of CHRISTOPHER ROBERT
SEEVER and MICHAEL DAVID TRUDELL,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

NICOLE MARIE SEEVER-TRUDELL,

Respondent-Appellant,

and

JOHN DAVID TRUDELL,

Respondent.

No. 260567
Wayne Circuit Court
Family Division
LC No. 03-418147-NA

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

PER CURIAM.

In these consolidated appeals, respondent-father, John David Trudell, appeals as of right from an order terminating his parental rights to his minor child, Michael David Trudell, pursuant to MCL 712A.19b(3)(g) and (j), and respondent-mother, Nicole Marie Seever-Trudell, appeals as of right from the same order terminating her parental right to her minor children, Christopher Robert Seever and Michael David Trudell, pursuant to MCL 712A.19b(3)(c)(ii), (g), and (j). We affirm.

The trial court did not clearly err in finding that statutory grounds for termination of both respondents' parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999). The circumstances that led to the trial court taking jurisdiction over the minor children were that Michael was severely burned when three-year-old Christopher found a lighter that had the safety cap removed by respondent-mother and lit Michael's crib on fire, respondent-mother did not call emergency services for an hour after this occurred because she was concerned about protective services becoming involved, and respondent-father was aware that there was a lighter in the home that had the safety cap removed. Respondents entered into parent agency agreements that required parenting classes, counseling, visitation, stable income, and suitable housing.

While there is no dispute that respondent-father completed significant portions of his parent agency agreement, he did not demonstrate to the trial court that he benefited from the treatment that he received with regard to parenting skills and that he would be able to provide Michael with proper care and custody. Respondent-father fell asleep during visits, called the minor child inappropriate names, and often came to the visits after work and was very dirty. While he did respond to some constructive criticism by the caseworker, the court did not err when it was not convinced that respondent-father's parenting skills had improved enough to provide Michael with what he needed. Respondent-father even admitted that he would need help caring for Michael on his own. Moreover, respondent-father did not have an appropriate place to live with Michael, and while he had tried to look for child care so he could continue to work if Michael were in his care, he was unable to understand what was offered because the information that he received had "big words" that he could not understand.

The trial court also did not err when it found that termination of respondent-father's parental rights was clearly not contrary to Michael's best interests. MCL 712A.19b(5). Respondent-father and the minor child did not have a strong bond, and respondent-father was unable to show that he could appropriately parent the minor child.

While respondent-mother did comply with some of the terms of her parent agency agreement, she was not fully or substantially compliant. She attended parenting classes but was referred for a second set of parenting classes because she did not appear to have benefited from the first set. She missed or was late to many of the scheduled visits with the minor children and did not act appropriately with the minor children during her visitation. She did not attend counseling on a consistent basis and was terminated for missing too many appointments. During the counseling, she was able to identify some of the problems, but her method of coping with the problems was to walk away. She was involved in abusive relationships, even after the minor children were taken from her care, and the police were called on five occasions to respond to domestic abuse. During the proceedings, her living arrangements were not suitable for the minor children. She was not honest with the caseworkers about her relationships and her living

situations. Based on this evidence, the court did not clearly err in finding that the statutory grounds had been established with respect to respondent-mother.

Respondent-mother's argument that she was not given enough time and in fact benefited from counseling regarding domestic violence is not consistent with the facts. Respondent-mother did not consistently attend counseling and was terminated for missing too many sessions. The caseworker indicated that if respondent-mother had requested additional counseling, even after the termination petition was filed, she would have received it. In addition, respondent-mother's pattern of being involved with abusive men continued throughout the course of the proceedings. Respondent-mother's argument that the trial court did not make specific findings regarding her conduct or capacity that would result in harm to the minor children is also not supported by the evidence. Respondent-mother left a lighter with the safety cap removed within the reach of the minor children in the home, did not obtain emergency care for the severe burns that Michael received for an hour after the injuries occurred because of her concerns about protective services, and continued to be involved in abusive relationships that would put the minor children at risk of harm.

The trial court also did not clearly err when it found that termination of respondent-mother's parental rights was clearly not contrary to the best interests of the minor children. While the therapist testified that Christopher did the best when he had consistency and a relationship with respondent-mother, his father, and his stepmother, respondent-mother was not consistent and this was difficult for Christopher. Although there was a bond between Christopher and respondent-mother, respondent-mother did not act appropriately with the minor children, did not pay attention to them, was not affectionate with them, and discussed inappropriate things in front of them.

We affirm.

/s/ Richard A. Bandstra

/s/ Janet T. Neff

/s/ Pat M. Donofrio