

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TYLIR KING, TREVER
STRAIGHT, and DANYEL STRAIGHT, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
June 22, 2006

Petitioner-Appellee,

v

CHRISTY KING-BRYSON,

Respondent-Appellant.

No. 266001
Roscommon Circuit Court
Family Division
LC No. 04-724552-NA

Before: Kelly, P.J., and Markey and Meter, JJ.

PER CURIAM.

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

In March 2004, petitioner filed a temporary custody petition alleging that respondent had beaten Tylir with a paddle, leaving bruises in several spots, and that Trever and Danyel had both stated that they had been beaten with the paddle on separate occasions. The petition also detailed respondent's lengthy history with protective services, with investigations into allegations of physical abuse and neglect beginning with Tylir's birth in 1992. These investigations led to the court's taking the children into its temporary jurisdiction on three occasions. Respondent pleaded no contest to the allegations at issue in this case, and the children were taken into the court's temporary custody.

Pursuant to her parent-agency agreement, respondent was required to complete parenting classes, visit the children, participate in individual therapy, participate in family therapy, complete a psychological evaluation, and maintain communication with the caseworker. Respondent's caseworker found that respondent had failed to comply substantially with the agreement. Respondent completed the psychological evaluation and parenting classes. Initially, she visited the children and participated in counseling. However, her interaction with the children was often inappropriate. Moreover, respondent's participation in counseling was hindered by the fact that respondent denied she had ever beaten Tylir and claimed that his injuries occurred when he fell off a trampoline, even though the injuries were not consistent with

such an occurrence. Respondent also claimed that Tylir had recanted his allegations, when he never did. In June 2005, respondent informed the caseworker that she was done fighting for the children and that she intended to join the military. From June 2005 to September 1, 2005, when the permanent custody petition was filed, respondent did not participate in counseling or visits with the children and failed to maintain any contact with petitioner.

In June 2005, respondent withdrew over \$24,000 without authority from a fund held in trust for Danyel. The police investigated the unauthorized withdrawal and charged respondent. Respondent pleaded guilty to fraudulent disposition of property, a four-year felony, in connection with the incident.

The trial court concluded that the evidence supported termination of respondent's parental rights under §§ 19b(3)(b)(i), (c), (g), and (j), and found that termination was not contrary to the children's best interests.

On appeal, respondent contends that the termination of her parental rights was erroneous because she was never provided with services tailored to her intellectual limitations. However, respondent never argued below that she needed services tailored to limitations. Further, while respondent's initial psychological evaluation, in which respondent was very contrary and defensive, showed that respondent had an IQ of 75, her evaluation in March 2005 showed that respondent had an IQ of 85, which the evaluator deemed a more accurate score because respondent had been more cooperative during the evaluation. The evaluator concluded that, while an IQ of 85 placed respondent in the low-average range of intelligence, respondent had adequate capacity to be a capable caretaker. The record simply does not support respondent's argument that she was entitled to specialized services. Furthermore, the evidence at trial shows that the trial court did not clearly err in finding termination was appropriate under each of the statutory grounds cited by the court. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Contrary to respondent's argument on appeal, the evidence 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, 356-357; 612 NW2d 407 (2000). All three children are high-needs children, but all had progressed while in the court's care, Tylir in foster care and Trever and Danyel with their legal father, Craig Straight. Tylir indicated that he did not wish to return to respondent's care. Trever did not express an opinion. Danyel indicated she did want to return to respondent's care but was happy living with her father and his fiancée. In light of this evidence, and the evidence showing respondent's failure to comply substantially with her parent-agency agreement and her willingness to forego all services, including visits with the children, for three months, the trial court did not clearly err in failing to find that termination was contrary to the children's best interests. Thus, the trial court did not clearly err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Jane E. Markey
/s/ Patrick M. Meter