

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANTHONY LOOTENS,
BENJAMIN LOOTENS, SAMANTHA
LOOTENS, and JONATHON LOOTENS Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JEREMY LOOTENS,

Respondent-Appellant.

UNPUBLISHED

June 12, 2007

No. 274673

Clinton Circuit Court

Family Division

LC No. 05-018001-NA

Before: Talbot, P.J., and Cavanagh and Meter, JJ.

PER CURIAM.

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

The trial court did not clearly err in finding that at least one statutory basis for termination was established by clear and convincing evidence. MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 355-356; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, 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); *Trejo, supra* at 356-357.

There was evidence that respondent complied with the parent/agency agreement by engaging in parenting classes, counseling, and consistent visitation with the children. However, this Court requires that respondent do more than attend parenting classes and counseling. *In re Gazella*, 264 Mich App 668, 676-677; 692 NW2d 708 (2005). He must change his parenting behaviors to the point where the children would no longer be at risk in his custody. *Id.* Respondent was unable to show that he had benefited from services.

Respondent's children had special needs and required a consistent, high level of care. Respondent was unable to show that he was able to provide this. In addition, there was clear and convincing evidence that respondent was unable to provide the children with a clean and sanitary home, with proper supervision, and with an environment safe from emotional or physical abuse. Throughout the case, respondent had problems providing his children with proper supervision.

Examples included Samantha's disappearing at a Chuck E. Cheese restaurant, the children's leaving the visitation room and running up and down the halls at petitioner's office, and Jonathon's choking on candy in the visitation room. Because the children were not injured from these incidents, respondent minimized his lapses and any possible future consequences of his lack of supervision. When the problems were brought to respondent's attention, he would become hostile and argue with the caseworker in front of his children. The children were at a risk of future harm because respondent would not admit that he needed to make any changes in his parenting or accept any advice on how to do things differently.

Respondent had difficulty controlling his anger and his behavior, which manifested itself in his inability to refrain from speaking about the case or about Melinda Lootens, the children's mother, with or in front of the children. Respondent had to be asked to leave one of Samantha's doctor's appointments because he would not stop making negative comments to Lootens or about Lootens to the doctor. Respondent violated Lootens's personal protection order against him twice during the case. Respondent would also obsessively call the caseworker if she did not return his phone calls within his time limits.

In addition, respondent had never been able to accept that Anthony believed respondent had excessively physically disciplined him. Anthony had reported that respondent excessively hit him. Respondent denied Anthony's allegation and tried to convince the child that he had only dreamed that respondent hit him. Furthermore, Anthony's therapist would not approve therapy sessions between respondent and Anthony because she believed that respondent's goal in therapy would be to change Anthony's mind about the abuse.

Moreover, respondent's credibility and honesty in dealing with the caseworker and the trial court had been called into question during the case. In one instance, respondent attempted to secretly tape record a court proceeding and lied to the trial court several times. After the realization that he could face contempt proceedings, respondent admitted that he was recording the proceedings. When respondent's therapist testified at the termination hearing, it became clear that respondent had not reported the tape recording incident to his therapist the way that it actually happened. At the termination hearing, when questioned about why he had not found a home of his own, respondent answered that he had bad debt and implied that Lootens had incurred the debt during their marriage. Upon closer questioning, respondent admitted that he had incurred most of the debt and apologized if he had misled the court.

Respondent failed to demonstrate that he could properly care for his children and admitted that he still needed another year or two before he would be able to do so on his own. His children required a high level of consistent care and respondent was not in a position to provide that for them.

Considering all the circumstances, the trial court did not clearly err in concluding that a statutory basis for termination existed and that termination was not clearly contrary to the children's best interests.

Affirmed.

/s/ Michael J. Talbot
/s/ Mark J. Cavanagh
/s/ Patrick M. Meter