

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

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In the Matter of CHRISTOPHER SEGAR,  
THOMAS SEGAR, and ERIC SEGAR, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TINA SEGAR,

Respondent-Appellant,

and

JOSEPH SEGAR,

Respondent.

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In the Matter of CHRISTOPHER SEGAR,  
THOMAS SEGAR, and ERIC SEGAR, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JOSEPH SEGAR,

Respondent-Appellant,

and

TINA SEGAR,

Respondent.

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UNPUBLISHED  
October 14, 2008

No. 284784  
Clare Circuit Court  
Family Division  
LC No. 07-000221-NA

No. 284817  
Clare Circuit Court  
Family Division  
LC No. 07-000221-NA

Before: Hoekstra, P.J., and Cavanagh and Zahra, JJ.

PER CURIAM.

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

### I. Facts and Procedural History

The children were removed from respondents because of allegations of physical abuse, insufficient supervision, and lack of control, along with respondent mother's substance abuse and mental health issues and respondent father's anger problem. Respondents pleaded to the material allegations in the petition, and orders of adjudication and disposition were entered. Their parent agency agreement required individual and family counseling, parenting training to manage the children's disabilities, psychiatric and substance abuse treatment for respondent mother, and psychological and substance abuse evaluations for respondent father. Respondents were to benefit from services, follow recommendations of professional evaluators, and use the skills from parenting education to manage the children's behavior.

Over the next several months, respondents participated in individual and couples counseling and parenting classes and received individual parenting instruction from a homemaker aide. Respondents visited regularly but often could not control the children. Approximately nine months after the petition was filed, respondent mother began drinking alcohol. Two months later, respondent father, responding to respondent mother's intoxication and his mother-in-law's criticisms, struck his mother-in-law. He later pleaded guilty to assault and battery. Respondent mother underwent inpatient substance abuse treatment but appeared intoxicated at the first visitation after her release. She later drove while intoxicated and violated her bond conditions by failing a sobriety test. She also admitted drinking alcohol in the week before the termination hearing.

On appeal, respondents contend that the trial court clearly erred in finding sufficient evidence to terminate their parental rights under MCL 712A.19b(3)(c)(i), (g), and (j). We disagree and find the statutory grounds established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). Respondent mother did not sufficiently progress in any of the problem areas of substance abuse, mental health, and parenting skills to be able to provide proper care and custody within a reasonable time. She developed an alcohol problem and was still drinking shortly before the final hearing. The children would be in danger in her care should she drive while intoxicated or simply be unable to respond to their needs because of intoxication. Respondent mother also suffered from severe depression. While she progressed well in therapy for a time, she later became depressed again. Her therapist saw minimal to fair progress on goals of addressing depression, domestic violence, substance abuse, and parenting. Respondent mother loved her children and wanted to be a good parent, but she was unable to apply the skills necessary to effectively discipline her children and manage their special needs. A parent must benefit from services in order to be able to provide a nurturing home and overcome the problems that brought the children into care. *In re Gazella*, 264 Mich App 668, 676-677; 692 NW2d 708 (2005).

Respondent father also failed to sufficiently deal with problems that necessitated the children's removal. During his long workdays, respondent father had left the children with respondent mother while knowing of her addiction to prescription drugs and questioning her ability to parent. After many months of therapy, his therapist had major concerns about respondent father's ability to parent alone. Another counselor saw relatively good progress later in the case and opined that respondent father was beginning to address the causes of his anger. However, this counselor did not think respondent father would successfully complete counseling within a reasonable time. His assault on his mother-in-law was ample proof that he still needed to work on his anger. Numerous times in the past he had turned this anger on the children. Although respondent father loved his children dearly and worked very hard on his parenting skills, he was not able to overcome his anger sufficiently to become an effective parent. His testimony showed that he was still in denial in regard to this problem.

We also find no clear error in the trial court's ruling regarding the children's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357. The trial court was not required to use the best interests factors in the Child Custody Act, MCL 722.23. *In re JS and SM*, 231 Mich App 92, 102-103; 585 NW2d 326 (1998), overruled on other grounds, *Trejo, supra* at 353 n 10. The evidence showed that respondent mother could not conquer her problems with substance abuse and depression, and respondent father still had trouble controlling his anger. Both had severe deficits in parenting skills. Caseworkers and therapists did not see these problems resolving within a reasonable time, and respondents were given sufficient time and services to improve. Further, the trial court did not unfairly compare the foster parents' parenting skills to respondents' parenting, as prohibited by *In re JK*, 468 Mich 202, 214-215 n 21; 661 NW2d 216 (2003). Rather, the court seemed to be saying that, with appropriate structure and discipline, children with serious behavior problems could be turned around. The court had the advantage of seeing and hearing the witnesses firsthand, and the court's findings were not clearly erroneous. *In re Sours, Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The children need structure, stability, and a home free from substance abuse, physical abuse, and unreasonable expressions of anger. Although respondents loved their children very much and tried to fulfill these needs, the evidence showed that they could not likely do so within a reasonable time. Consequently, the court did not clearly err in terminating respondents' parental rights.

Affirmed.

/s/ Joel P. Hoekstra  
/s/ Mark J. Cavanagh  
/s/ Brian K. Zahra