

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.W., R.E. and S.E., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RICHARD EVANS,

Respondent-Appellant,

and

SELETTE WALKER,

Respondent.

In the Matter of J.W., R.E. and S.E., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SELETTE WALKER,

Respondent-Appellant,

and

RICHARD EVANS,

Respondent.

UNPUBLISHED

August 16, 2002

No. 237050

Calhoun Circuit Court

Family Division

LC No. 99-003551-NA

No. 239174

Calhoun Circuit Court

Family Division

LC No. 99-003551-NA

Before: Kelly, P.J., and Saad and Smolenski, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court's order terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), (h) and (j).¹ We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.* at 356-357.

We find that the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). When this family came to the Family Independence Agency's attention, both respondents preferred to have the children taken into foster care rather than have respondent father removed from the home while the FIA investigated respondent mother's allegations of sexual abuse. All three children needed therapy and had difficulty trusting adults. The youngest child did not respond normally and was "almost catatonic," the middle child soiled himself and smeared feces, and the oldest child was withdrawn and suspicious.

Respondent father has a history of cocaine use and domestic violence in the presence of the children. He is currently in prison and the youngest child will be seventeen years old by the time of his earliest release date. There was evidence that respondent mother left the children unattended or in the care of the oldest child when she was at work, and that she chose inappropriate caretakers when she left the children in adult care. Even though each allegation contained in the amended petition implied that respondent mother did not have the psychological capacity to properly parent her children, respondent mother nevertheless refused psychological treatment. Despite the numerous services and opportunities provided to help her improve her parenting skills, notwithstanding her love for her children, respondent mother nevertheless remained unable to provide proper care and supervision.

Finally, the evidence did not show that termination of respondents' 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). Thus, the trial court did not err in terminating respondents' parental rights.

¹ The trial court relied on §§ 19b(3)(c)(i) and (g) with respect to both respondents. Section 19b(3)(h) was applied only to respondent father, and § 19b(3)(j) only to respondent mother.

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Henry William Saad
/s/ Michael R. Smolenski