

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of KAITLYN WARD and  
SAMANTHA GARRISON, Minors.

---

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

TONI WARD,

Respondent-Appellant.

---

UNPUBLISHED

May 5, 2005

No. 257368

Kalamazoo Circuit Court

Family Division

LC No. 02-000076-NA

Before: Kelly, P.J., and Sawyer and Wilder, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her 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 the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The primary condition of adjudication was respondent's failure to extricate herself from an abusive relationship with the father of the children, Matthew Garrison. While respondent did end the relationship during the pendency of these proceedings, the evidence indicated that she did not resolve her underlying difficulty with dependency and judgment. Respondent engaged in therapy for a time, but was terminated for missed sessions, at which time her therapist voiced his concerns about her ability to provide a safe and protective environment for the children. Throughout this matter, respondent has attached herself to individuals who are potentially harmful to the children. After ending her relationship with Garrison, respondent allowed a couple to live with her and the male partner perpetrated domestic abuse on his girlfriend and on respondent. Respondent also allowed a parolee to live with her. During the termination trial, she allowed her boyfriend, a smoker, to live with her, notwithstanding the trial court's advice that she should not have a boyfriend at that time. In addition, Kaitlyn has asthma and her condition can be exacerbated by even the smell of smoke, triggering a life threatening attack. Where respondent's ability to stop smoking and remain smoke free has been a continuing issue in this case, her choice to live with a smoker boyfriend reflects the same deficiency in judgment and unresolved dependency issues that led to adjudication in this matter. Given respondent's failure to successfully address these issues in therapy, the trial court was justified in concluding that the conditions of adjudication would not

be resolved in the reasonable future. The same evidence establishes respondent's past failure to provide proper care and custody for the children, the unlikelihood that she would be able to provide proper care and custody for the children within a reasonable time considering their ages, and a reasonable likelihood that the children would be harmed if returned to her.

Respondent argues that petitioner failed to make adequate efforts to reunite the family. However, a review of the record indicates that petitioner made reasonable efforts toward reunification by providing referrals for psychological evaluation, therapy, parenting classes, anger management treatment, and homemaker services to assist respondent in quitting smoking. Respondent further argues that her compliance with the parent-agency agreement is evidence of her ability to care for the children. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003). Respondent did comply with some aspects of the parent agency agreement, most notably by maintaining employment, albeit a series of temporary assignments, by obtaining housing, and by completing anger management sessions. However, respondent's compliance was substantially tardy and incomplete in important respects, most notably her failure to successfully engage in therapy. Particularly where the dependency and judgment issues that remained unresolved in therapy were manifested in respondent's actions throughout this matter, her failure to complete the parent-agency agreement may be considered evidence of her inability to provide proper care and custody for the minor children. *Id.*

Finally, the record provides no basis to conclude that termination of respondent's parental rights is contrary to the best interests of the children. MCL 712A.19b(5). The two young children have been in foster care for the greater part of their lives, and have developed strong bonds with their foster parents, who wish to adopt them. Given respondent's pattern of dependent relationships that are harmful and potentially harmful to her children, it does not appear that termination is contrary to the best interests of the children.

Affirmed.

/s/ Kirsten Frank Kelly

/s/ David H. Sawyer

/s/ Kurtis T. Wilder