

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANDREW ROGER BLASE and
KELSEY BLASE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CINDY BLASE,

Respondent-Appellant.

UNPUBLISHED

June 14, 2005

No. 258124

Oakland Circuit Court

Family Division

LC No. 01-653346-NA

Before: Bandstra, P.J., and Fitzgerald and Meter, JJ.

MEMORANDUM.

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

The trial court did not clearly err in determining that statutory bases for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). While many of the conditions leading to adjudication were corrected, respondent still had problems controlling her children, as well as recurring psychological problems. Although respondent attended parenting classes and some counseling sessions, there was evidence that she did not benefit from the parenting classes and had not reached her therapy goals in the three years that the case was pending. In addition to her inability to control her children, respondent also failed to protect and care for her children as evidenced by her lack of reaction to her daughter's disclosure that respondent's son had exposed himself to the daughter. Respondent took no action and did not report the incident. She did not seek help for her son, and she did not take action to allow her daughter to feel protected. The incident occurred approximately a year and a half before the trial began and, at the time of trial, respondent had not completed individual counseling or family counseling with the children.

The trial court also did not clearly err in its best interests determination. Termination of parental rights is mandatory if the trial court finds that the petitioner established a statutory ground for termination, "unless the court finds that termination . . . is clearly not in the child's best interests." *Trejo, supra* at 344 n 1, quoting MCL 712A.19b(5). With regard to respondent's daughter, the child's therapist testified that it was in the child's best interests for respondent's parental rights to be terminated. The daughter needed stability that respondent

mother could not provide. Further, the daughter worried about respondent taking her medication, eating properly, and going to doctor's appointments (all of which were things the seven-year-old child could not assist with). The therapist also testified that returning the daughter to respondent mother would not be emotionally helpful for the child, who did not trust her mother to protect her. With regard to respondent's son, the trial court did not clearly err in its best interests determination where, a year and a half after the son's sexual incident with the daughter, respondent testified that she was still having trouble dealing with what he did and that she had difficulty looking him in the face. The trial court did not clearly err in its best interests determination.

Affirmed.

/s/ Richard A. Bandstra
/s/ E. Thomas Fitzgerald
/s/ Patrick M. Meter