

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
November 25, 2014

In re S. R. HIXON, Minor.

No. 322175
Oakland Circuit Court
Family Division
LC No. 13-812072-NA

Before: O'CONNELL, P.J., and CAVANAGH and FORT HOOD, JJ.

PER CURIAM.

Respondent, L. Hixon, appeals as of right from the trial court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (j), (l), and (m). We affirm.

Respondent's parental rights to two other children were terminated in 2009 and 2012. The child at issue in this case was born in August 2013 and tested positive for Methadone at birth. The child was removed from respondent's custody at the hospital and the Department of Human Services (DHS) filed a petition requesting jurisdiction over the child and termination of respondent's parental rights at the initial dispositional hearing. Respondent later pleaded no contest to the allegations in the petition. After receiving testimony from a Child Protective Services worker to establish a factual basis for respondent's plea, the trial court found that grounds for jurisdiction existed pursuant to MCL 712A.2(b)(1) and (2), and that statutory grounds for termination existed pursuant to MCL 712A.19b(3)(g), (j), (l), and (m). The court later conducted a hearing to determine the child's best interest. Following that hearing, the trial court found that termination of respondent's parental rights was in the child's best interests.

Respondent argues that the trial court erred in finding that termination of her parental rights was in the child's best interests. We review a trial court's decision regarding a child's best interests for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

"If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made." MCL 712A.19b(5). Whether termination is in the child's best interests is determined by a preponderance of the evidence. *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). In determining a child's best interests, the court may consider a variety of factors including the child's bond to the parent, the parent's parenting ability, the child's need for permanency, stability, and finality, as well as the advantages of a foster home over the parent's home. *In re*

Olive/Metts, 297 Mich App 35, 41-42; 823 NW2d 144 (2012). It is also appropriate to consider a respondent's history, psychological evaluation, and parenting techniques. *In re Jones*, 286 Mich App 126, 131; 777 NW2d 728 (2009). "The trial court may also consider a parent's history of domestic violence, the parent's compliance with his or her case service plan, the parent's visitation history with the child, the children's well-being while in care, and the possibility of adoption." *In re White*, 303 Mich App 701, 714; 846 NW2d 61 (2014).

Respondent argues that it was not in the child's best interests to terminate her parental rights because, unlike the circumstances involving her first two children, she voluntarily enrolled in and completed parenting classes, she had a legal source of income and stable housing, she was working with doctors to find appropriate medication for her mental health issues, she was involved with domestic violence counseling, and she regularly visited her child. It is not sufficient that a parent merely become involved with or participate in services. Rather, the parent must benefit from the services received. *In re Frey*, 297 Mich App 242, 244, 248; 824 NW2d 569 (2012). Contrary to respondent's claims, the evidence did not show any substantial benefit or improvement in the areas she identifies.

Although respondent enrolled in parenting classes, the foster care worker testified that respondent was unable to apply what she learned during visits. She had to be prompted and redirected during visits, and did not retain knowledge from one visit to the next. Respondent often could not make it through a scheduled visit with the child without becoming bored or distracted. She also failed to understand her need for mental health treatment. During a psychological evaluation in April 2014, she told the evaluator that she did not believe that she needed medication for her mental health issues, and she had no intention of taking medication. Her untreated mental health had manifested itself in her lack of coping skills, bouts of depression and anxiety, and episodes where she shook uncontrollably. She lacked insight into solutions for dealing with these symptoms. She was unable to meet even her own daily needs, let alone those of a child.

Respondent also continued to demonstrate a clear lack of parenting ability and a lack of commitment to protecting the safety and well-being of her child. She maintained that she was involved in domestic violence counseling, yet she had an ongoing relationship with the child's father despite his violent history. She testified that she believed he was dangerous, yet she hoped to reunite with him. She continued to act impulsively with other relationships, as demonstrated by the fact that she allowed a person to move in with her that she had only known for three weeks. She asserts that she had stable housing, but she had no plans for housing after her lease expired in 2014, and she had a long history of unstable housing.

The court clinical psychologist who evaluated respondent in April 2014 opined that respondent was not capable of caring for a child. She stated that respondent lacked the insight to appropriately care for and discipline a child. She opined that respondent's history of quickly engaging in relationships with individuals she had just met, and who also had mental health and substance abuse problems, placed both herself and her child at risk. She further opined that respondent continued to demonstrate impulsive behaviors that were detrimental to her functioning, and would likely impact her ability to make good parenting decisions. The foster care specialist similarly testified that respondent had not gained insight into how her past could affect her future, and the lack of insight posed an impediment to being able to care for herself or

the child. She opined that there were no services that could be offered to allow respondent to gain the necessary skills and competency to be able to care for a child.

Respondent's parental rights to two other children were terminated in 2009 and 2012. Those children were adopted by a foster family and the child at issue here was placed in the same home as his siblings. Considering respondent's long mental health history, the child's need for permanence and stability that respondent was unable to provide, the child's bond with his half-siblings and ability to thrive in his foster environment, as well as the unlikelihood that the child could be reunited with respondent in the foreseeable future, we conclude that the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests.

Affirmed.

/s/ Peter D. O'Connell
/s/ Mark J. Cavanagh
/s/ Karen M. Fort Hood