

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.O. and L.O., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

REBECA OQUENDO, a/k/a REBECA
PACHECO-OQUENDO,

Respondent-Appellant,

and

ANGEL OQUENDO,

Respondent-Not Participating.

In the Matter of A.O. and L.O., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANGEL OQUENDO,

Respondent-Appellant,

and

REBECA OQUENDO, a/k/a REBECA
PACHECO-OQUENDO,

Respondent-Not Participating.

UNPUBLISHED
January 27, 2005

No. 256635
Allegan Circuit Court
Family Division
LC No. 02-032839-NA

No. 256689
Allegan Circuit Court
Family Division
LC No. 02-032839-NA

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

PER CURIAM.

In these consolidated appeals, respondent mother appeals as of right from the trial court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(a)(ii), (b)(ii), (c)(i), (g), and (j). Respondent father appeals as of right from same order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(g), (h), and (j). We affirm.

The trial court did not clearly err in determining that the statutory grounds had been established by clear and convincing evidence. See *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). This case commenced after respondent mother was hospitalized for depression and cutting herself, did not comply with discharge instructions, did not follow through on substance abuse assistance, and left the minor children and did not return for a day. The minor children, then aged three and four, were taken into temporary custody, and respondent mother entered into a parent-agency agreement requiring her to focus on her issues of depression, substance abuse and self-mutilation. Other issues that needed to be addressed involved visitation, parenting classes, employment and stable housing. At the time the minor children were taken into care, respondent father was incarcerated in Pennsylvania for selling cocaine.

Respondent mother began working on the terms of the parent agency agreement in a structured shelter setting and visited with the minor children on an inconsistent basis. Within a couple of months, respondent mother moved to Pennsylvania. Respondent father had been released from prison on parole around that time and respondents were married and lived together in Pennsylvania. Respondent mother did not notify the Family Independence Agency (FIA) of her whereabouts for several months and did not make any effort to comply with the terms of the parent agency agreement, including visitation with the minor children. Respondent father entered into a parent agency agreement upon his release from prison and attempted to comply with its terms.

Ten months after moving to Pennsylvania and within a month of the termination trial, respondent mother made minimal efforts to comply with the parent agency agreement. She met with a psychiatrist for medication for her depression but failed to pick up the medicine on a timely basis. She met with a therapist once and missed the next appointment. She began to participate in a substance abuse program but made minimal effort in three weeks. She obtained employment but, as the result of her poor attendance, was only used on a temporary, as-needed basis. During this period, respondent mother did not visit the minor children.

The evidence showed that respondent mother abandoned the minor children for more than 91 days, that she could have prevented the physical harm that the youngest child incurred when he had a 3½ inch long cut on his thigh, that she had not complied with the terms of her parent agency agreement, that she was unable to care for the minor children, and that they would be at risk of harm if returned to her care. Accordingly, the trial court did not clearly err in finding that the statutory grounds for termination of respondent mother's parental rights had been established.

The evidence also showed that respondent father left the minor children in the care of respondent mother while he was imprisoned for possession of cocaine knowing of her depression and substance abuse issues, married respondent mother after his release from prison and during the pendency of the termination proceeding, knew that respondent mother was not doing what was necessary to address her depression and substance abuse issues, was not able to provide for the care and custody of the minor children and the minor children would be at risk of harm if returned to the care of respondents.

Furthermore, the evidence did not show that termination of respondents' parental rights was not in the best interests of the minor children. MCL 712A.19b(5). The minor children were very young when removed from respondents' care. There was no evidence that suggested that there was a bond between the minor children and respondents. The court appropriately focused on the fact that the minor children needed permanency and respondents were unable to show that they could effectively parent the minor children.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Mark J. Cavanagh
/s/ Stephen L. Borrello