

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRISTOL ELLIS NISWONGER,
BILLY RAY NISWONGER, and BETH
ELIZABETH ANN NISWONGER, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
June 20, 2006

Petitioner-Appellee,

v

JULIA NISWONGER,

Respondent-Appellant.

No. 266343
Ingham Circuit Court
Family Division
LC No. 00-045297-NA

Before: Kelly, P.J., and Markey and Meter, JJ.

MEMORANDUM.

Respondent appeals as of right from the court order that terminated her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err by finding that the statutory grounds were established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Termination was proper under subsections 19b(3)(c)(i) and (g) because: (1) respondent herself admitted that the adjudicating conditions (which included inappropriate parenting skills and neglect, unsafe home conditions, and a lack of progress from services) warranted removal of the children; (2) these conditions continued to exist at the time of the permanent wardship trial; and (3) there was no reasonable likelihood that these adjudicating conditions would be rectified within a reasonable time given the ages of the minor children. Although respondent argued that she had been making progress with her parenting skills when the Families in Transition program was abruptly terminated, other evidence pointed to the contrary and it appeared clear that respondent had derived little benefit from any service. In fact, the only positive assessment of respondent's progress was provided by respondent's therapist, whose experience was limited in that she had only seen respondent interact with the children on one occasion for a total of about seven minutes. Benefiting from services is an inherent and necessary part of a service plan. *In re Gazella*, 264 Mich App 668, 676-677; 692 NW2d 708 (2005). Further, this Court gives deference to the trial court's assessment of the witnesses' credibility. *In re Newman*, 189 Mich App 61, 65; 472 NW2d 38 (1991). Termination was also

warranted under subsection 19b(3)(j). The evidence in this case clearly established the likelihood that the minor children could be harmed if returned to respondent's care since respondent had not improved her parenting skills, which were dangerously inadequate. Her methods of discipline were extreme and many of her parenting techniques were neglectful, if not abusive.

Finally, the trial court also did not clearly err in its best interests determination. MCL 712A.19b(5). The evidence was mixed regarding whether a bond existed between respondent and the children. Moreover, even the most optimistic assessment of respondent's parenting abilities indicated that respondent was not yet able to parent the children properly and would require at least six more months of intensive therapy. Given respondent's history of making little to no progress, prolonging this case any further was not in the best interests of the children.

Affirmed.

/s/ Kirsten Frank Kelly

/s/ Jane E. Markey

/s/ Patrick M. Meter