

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CAL THOMPSON and
CANDACE THOMPSON, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

EILEEN THOMPSON,

Respondent-Appellant,

and

ROCKY D. THOMPSON,

Respondent.

UNPUBLISHED
February 15, 2005

No. 257797
Calhoun Circuit Court
Family Division
LC No. 01-000883-NA

Before: Fort Hood, P.J., and Griffin and Donofrio, JJ.

PER CURIAM.

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

The court took jurisdiction of the children in 2001, on grounds of neglect and abuse, after respondent Rocky Thompson allegedly threw Cal against a table while intoxicated, causing bumps on Cal's head. Respondent-appellant Eileen Thompson was not present and had not lived with the children since 1998. Children's Protective Services had been involved with the family since 1989, and respondents had received numerous services. In 2001, respondent-appellant admitted living with a friend for over two years and not being able to provide a suitable home environment for the children.

Respondent-appellant's court-ordered treatment plan and parent-agency agreement (PAA) required her to obtain and maintain suitable housing, undergo a psychological evaluation and follow recommendations, and complete parenting education. Later requirements included employment and counseling. While respondent-appellant complied with many of these terms in

2002, the children were not returned because she failed to develop a safety plan to prevent further abuse and neglect. Previously, Candace had suffered abuse from respondent-appellant's live-in partner. Respondent-appellant was unwilling to accept the fact of the abuse or her responsibility in failing to protect Candace. Respondent-appellant was dropped from counseling in early 2003 because of insufficient progress. She lost her job and her housing, failed to follow up on a referral for further counseling, and did not see Candace for many months while the case was pending.

The trial court did not clearly err in finding clear and convincing evidence to support termination of respondent-appellant's parental rights under MCL 712A.19b(3)(c)(i), (g), and (j). MCR 3.977(J); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). Failure to comply with the terms of a court-ordered treatment plan is evidence of failure to provide proper care and custody. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003); *Trejo, supra* at 360-361 n 16. In the nearly forty-one months the children remained in care, respondent-appellant's situation changed little. She was not able to sustain her improvements and never reached the point where the children would have been safe in her care. Respondent-appellant admitted that she was not ready to assume parenting responsibilities for Candace, who had special needs and was in a residential placement. As for Cal, respondent would have been satisfied with a long-term foster care placement. Such an arrangement was tried for some time, but termination was sought when Cal indicated a desire for adoption by his foster mother. In the meantime, the evidence showed that Cal's behavior deteriorated after extended visits to respondent-appellant's home. Considering the whole record, we find no clear error in the trial court's determination that the statutory grounds for termination under subsections (c)(i), (g), and (j) were satisfied.

We also find no clear error in the trial court's decision on the best interests of the children. While respondent-appellant was bonded with Cal, she was not able to provide a proper home for him and would be unable to do so within the foreseeable future. The trial court's decision to terminate respondent-appellant's parental rights was not clearly against Cal's best interests. Respondent-appellant was unavailable to provide a stable, safe home for Cal and termination opened the way to adoption into a more permanent situation. As for Candace, there was no significant bond between respondent-appellant and Candace, who required residential care and blamed respondent-appellant for abuse she suffered. Termination of respondent-appellant's parental rights was not clearly contrary to the best interests of either child.

Affirmed.

/s/ Karen M. Fort Hood
/s/ Richard Allen Griffin
/s/ Pat M. Donofrio