

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED  
August 15, 2013

In the Matter of FINLEY/BECKLESS, Minors.

No. 314774  
Cass Circuit Court  
Family Division  
LC No. 11-000250-NA

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Before: WHITBECK, P.J., and OWENS and M. J. KELLY, JJ.

PER CURIAM.

Respondent mother appeals of right the trial court’s order terminating her parental rights to her three minor children under MCL 712A.19b(3)(c)(i), (g), and (j). Because we conclude that there were no errors warranting relief, we affirm.

The trial court did not clearly err in finding that the Department of Human Services established the statutory grounds for termination by clear and convincing evidence. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The Department initially sought to remove the children because respondent physically abused one child on more than one occasion. During the more than 12 months of proceedings below, respondent refused mental health services. She participated in some parenting education and trauma focused cognitive behavioral therapy, but there was no evidence that she benefitted from the services or began to address the issue of physical abuse. Her psychological evaluation revealed that she had a traumatic background that contributed to her problems; she tended to be suspicious of others, to externalize responsibility for her behavior, and to be angry. There was testimony and evidence that she had rigid and unrealistic expectations for others, could not tolerate frustration, had mood swings, and was hostile, aggressive, and unpredictable. Moreover, her behavior throughout the lower court proceedings and with her service providers confirmed the validity of these assessments. There was testimony respondent would not benefit from additional services—indeed, one expert characterized her resistance to treatment as “extreme.” Given this evidence, we cannot conclude that the trial court clearly erred in finding clear and convincing evidence that respondent’s issues with anger and physical abuse, which led to the adjudication, continued to exist and that there was no reasonable likelihood that it would be rectified within a reasonable time considering the ages of the children. MCL 712.A19b(3)(c)(i); *In re Trejo Minors*, 462 Mich at 356-357.

This same evidence provided the basis for termination under MCL 712A.19b(3)(g) and (j). There was no question that respondent previously physically abused one of the children, and there was no evidence that respondent made progress in addressing the issues that led her to resort to physical abuse. Additionally, there was testimony that respondent would not benefit from further services and that the children would likely be harmed if returned to her care. The trial court did not clearly err in finding clear and convincing evidence that respondent did not provide proper care and custody for the children and there was no reasonable expectation that she would be able to do so within a reasonable time considering the ages of the children. MCL 712A.19b(3)(g). Similarly, the trial court did not clearly err when it found clear and convincing evidence that there was a reasonable likelihood that the children would be harmed if returned to respondent's care. MCL 712A.19b(3)(j).

Respondent argues on appeal that she was not provided sufficient services and assistance, specifically with transportation and housing. However, the record clearly reflects that respondent was provided these services. Respondent also argues that pre and post-visit family counseling was not provided, contrary to a recommendation in her psychological evaluation. However, review of the record reveals that family counseling before and after visits was not recommended in the manner represented by respondent. Thus, respondent has failed to establish error on this basis.

Finally, respondent does not argue that termination was not in the best interests of the children, but we note that the trial court's decision that termination was in the children's best interests was not clearly erroneous. The children were traumatized by respondent and there was evidence that the only way they could be healthy was if respondent's parental rights were terminated. MCL 712A.19(b)(5).

There were no errors warranting relief.

Affirmed.

/s/ William C. Whitbeck  
/s/ Donald S. Owens  
/s/ Michael J. Kelly