

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SIERRA PEARLIE JEWEL TEW,
STEVEN THOMAS TEW II, and MCKENZIE
JULIETTE TEW, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MELISSA TEW,

Respondent-Appellant.

UNPUBLISHED

October 29, 2009

No. 292102

St. Clair Circuit Court

Family Division

LC No. 07-000689-NA

Before: Saad, C.J., and O'Connell, and Zahra, JJ.

PER CURIAM.

Respondent appeals the trial court's order that terminated her parental rights to three children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). For the reasons set forth below, we affirm.

As this Court explained in *In re Utrera*, 281 Mich App 1, 15; 761 NW2d 253, 264 (2008):

The statutory grounds for termination of parental rights must be proven by clear and convincing evidence. MCR 3.977(E)(3). "If the court finds that there are grounds for termination of parental rights, the court shall order termination of parental rights . . . unless the court finds that termination of parental rights to the child is clearly not in the child's best interests." MCL 712A.19b(5). We review for clear error a trial court's decision to terminate parental rights and, if appropriate, its decision regarding whether termination is contrary to the child's best interests. MCR 3.977(J); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003). A decision is clearly erroneous if, "although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *In re JK, supra* at 209-210.

We hold that the trial court did not clearly err when it found that the statutory grounds for termination were proven by clear and convincing evidence. The record reflects that, notwithstanding years of services to assist respondent with her parenting responsibilities, she

remains unable to maintain a safe home or give proper care to her children. Evidence established that respondent completed parenting and anger management classes and she underwent a psychological evaluation as required by her parenting agreement. However, she was unable to maintain employment and she lost her public assistance for falsifying job reports. Respondent also permitted other, unauthorized people to live in her home after the trial court ordered her not to. Indeed, at the same time respondent told her foster care worker that she would remove the tenants, she was attempting to add one of them to her public housing lease.

Further evidence established that one child reported that respondent did not have food in the home and that he did not eat during lengthy in-home visitations. After visits with respondent, the same child began wetting the bed, throwing things, and acting defiantly. Another child reported that, during an unsupervised visitation, respondent choked her. Evidence also showed that, on more than one overnight visit, respondent had an unauthorized person watch the children while she went out with friends. Moreover, when asked to give one of the children a dose of medication, respondent did not do so and claimed to have lost it somewhere in her house. A foster parent also testified that she saw a meat syringe with a long needle on the floor of the apartment and respondent suggested that the children had somehow found it and put it there.

After the numerous services offered to respondent, the record reflects that she did not benefit from those services and the foster care worker testified that, at this point, no further services are available that would help respondent. We affirm the trial court's ruling that grounds for termination were proven by clear and convincing evidence. We also affirm the trial court's ruling that termination is in the best interests of the children. Two of the children have severe developmental delays and all three children require time and attention in order to meet their developmental goals. Because respondent has repeatedly failed to provide the children with adequate care and has placed other priorities ahead of her children, it is in the children's best interests to terminate her parental rights.

Affirmed.

/s/ Henry William Saad
/s/ Peter D. O'Connell
/s/ Brian K. Zahra