

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ODESSIA BLANE BRADY,
NEVAEH NAYBACK-BRADY, and
SAVANNAH BRADY, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SUZZANNA BRADY,

Respondent-Appellant.

UNPUBLISHED

May 21, 2009

No. 288983

Chippewa Circuit Court

Family Division

LC No. 07-013583-NA

Before: Jansen, P.J., and Hoekstra and Markey, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court orders terminating her parental rights to the minor children under MCL 712A.19b(3)(g) and (j) and, with regard to Odessia and Nevaeh, MCL 712A.19b(3)(c)(i). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding the statutory grounds proven by clear and convincing evidence. *In re Trejo, Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999); MCR 3.977(J). Respondent participated in all services in her parent agency agreement that were recommended by DHS and ordered by the court, which is evidence of an ability to provide proper care and custody. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003). However, the trial court found that respondent failed to benefit from parenting classes and counseling to help her learn better parent-child interactions, and our review of the record establishes that this finding was not clearly erroneous. *JK, supra* at 209-210; *In re Gazella*, 264 Mich App 668, 676-677; 692 NW2d 708 (2005).

After the court took jurisdiction, respondent became pregnant with a second child (Savannah) by Kory Schnake, despite a court order and an agreement with Children's Protective Services (CPS) not to allow Schnake near her children because of a 2006 child abuse conviction. Respondent herself had five substantiated CPS referrals, including one for a child who died in her crib upstairs while respondent and Schnake were drinking downstairs. When pregnant with Savannah, respondent failed to obtain prenatal care and hid the pregnancy from DHS. The primary barrier to reunification was respondent's lack of parenting capacity, not DHS's or the

former caseworker's lack of oversight. Respondent was provided parenting classes, plus counseling by Dr. Robert Devers specifically aimed at improving her parenting skills. Although this counseling lasted only a few months, part of the delay was attributable to respondent. Further, Dr. Devers opined that extended counseling would not have enabled respondent to be able, without constant help, to provide proper care for the children. Dr. Devers, evaluating psychologist Dr. Richard Shaul, and DHS caseworker Sheri Royer did not see respondent as possessing the skills and resources to adequately anticipate and provide for her children's needs and keep them safe.

We also find no clear error in the trial court's determination that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357. Respondent had problems nurturing her children and usually did not display affection at visitations. Her failure to benefit from services and to take responsibility for the conditions leading to removal meant that the children would continue to be at risk in her care.

Affirmed.

/s/ Kathleen Jansen
/s/ Joel P. Hoekstra
/s/ Jane E. Markey