

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SOPHIA CARTER, Minor.

DEPARTMENT OF HUMAN SERVICES,
Petitioner-Appellee,

v

CANDY CARTER,

Respondent-Appellant,

and

JAY CARTER,

Respondent.

In the Matter of BRITTANY CARTER, Minor.

DEPARTMENT OF HUMAN SERVICES,
Petitioner-Appellee,

v

CANDY CARTER,

Respondent-Appellant,

and

JAY CARTER,

Respondent.

UNPUBLISHED
September 23, 2008

No. 283956
Kent Circuit Court
Family Division
LC No. 06-052088-NA

No. 283957
Kent Circuit Court
Family Division
LC No. 06-052089-NA

In the Matter of JAY CARTER, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

No. 283958
Kent Circuit Court
Family Division
LC No. 06-052090-NA

CANDY CARTER,

Respondent-Appellant,

and

JAY CARTER,

Respondent.

In the Matter of TABITHA CARTER, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

No. 283960
Kent Circuit Court
Family Division
LC No. 06-052091-NA

CANDY CARTER,

Respondent-Appellant,

and

JAY CARTER,

Respondent.

In the Matter of SARAH CARTER, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

No. 283961
Kent Circuit Court
Family Division
LC No. 06-052092-NA

CANDY CARTER,

Respondent-Appellant,

and

JAY CARTER,

Respondent.

In the Matter of ELIJAH CARTER, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

No. 283962
Kent Circuit Court
Family Division
LC No. 06-052093-NA

CANDY CARTER,

Respondent-Appellant,

and

JAY CARTER,

Respondent.

In the Matter of ISAIAH CARTER, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

No. 283963
Kent Circuit Court
Family Division
LC No. 06-052094-NA

CANDY CARTER,

Respondent-Appellant,

and

JAY CARTER,

Respondent.

Before: Meter, P.J., and Hoekstra and Servitto, JJ.

PER CURIAM.

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

Although respondent asserts that the trial court terminated her parental rights to all seven of her children, the record discloses that the court did not terminate her parental rights to the two older children, Sophia and Brittany. Rather, the supplemental petition was amended to withdraw petitioner's request for termination with respect to Sophia and Brittany, and the trial court noted in its decision that Sophia and Brittany had been discharged from the petition. Although all seven children are listed in the caption of the trial court's January 22, 2008, termination order, the order provides that Sophia and Brittany "are continued in the temporary custody of the court," whereas the remaining five children "are committed to the Michigan Children's Institute . . . for adoptive planning[.]"¹ Thus, respondent's parental rights to Sophia and Brittany were not terminated.

¹ A subsequent order, dated May 21, 2008, states that Sophia and Brittany were not to be returned home, but that petitioner shall not initiate termination proceedings.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence with respect to respondent's five remaining children. MCR 3.977(F)(1)(b) and (G)(3); *In re Miller*, 433 Mich 331, 337, 344-345; 445 NW2d 161 (1989). The evidence showed that the issues of domestic violence, the father's substance abuse, the lack of attention to Tabitha's severe diabetes condition, and respondent's mental health remained unresolved. Despite the history of domestic violence between respondent and the children's father, and the father's unresolved substance abuse problem, respondent reunited with the father and had another child with him. Respondent also failed to deal with her own mental health issues identified in two psychological evaluations, failed to seek employment, was uncooperative with caseworkers, failed to provide required documentation, and was frequently late or absent to her appointments. Respondent ultimately stopped participating in services, making it unlikely that these conditions would be resolved within a reasonable period of time. Additionally, because of respondent's inability or unwillingness to deal with Tabitha's diabetes condition, and apparent failure to appreciate or understand the seriousness of the condition, it was reasonably likely Tabitha would be harmed if returned to respondent's home.

The record does not support respondent's argument that her parental rights were terminated because doing so was simply easier and more expedient than to continue efforts to reunify a large family. To the contrary, the record shows that petitioner made significant efforts to reunify the family, over a relatively long period of time, but respondent failed to reciprocate and eventually stopped participating in services.

Further, the evidence did not clearly show that termination of respondent's parental rights was not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-356; 612 NW2d 407 (2000). The parents' behavior, particularly the domestic violence and delegation of parental responsibilities to the children's siblings, caused enormous harm to the children. The younger children had serious and disturbing anger issues. Tabitha risked seizures, blindness, and even death if her diabetes condition was not treated properly. The trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Patrick M. Meter
/s/ Joel P. Hoekstra
/s/ Deborah A. Servitto