

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of ISAAC ALEXANDER  
BOUTHILLIER-WILSON, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DARNELLE BOUTHILLIER,

Respondent-Appellant.

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UNPUBLISHED

August 9, 2007

No. 276099

Grand Traverse Circuit Court

Family Division

LC No. 05-001464-NA

Before: Murphy, P.J., and Zahra and Servitto, JJ.

MEMORANDUM.

Respondent appeals the circuit court's order that terminated her parental rights to the minor child, Isaac, pursuant to MCL 712A.19b(3)(b)(ii), (g), (i), (j) and (m). The trial court did not clearly err when it found that petitioner established the statutory grounds for termination by clear and convincing evidence. *In re BZ*, 264 Mich App 286, 296; 690 NW2d 505 (2004).

Respondent voluntarily terminated her parental rights to two other children under MCL 712A.2(b), three months before Isaac was born. MCL 712A.19b(3)(m). The evidence clearly established that respondent had ample opportunity to prevent the physical injury to the two other minor children, but failed to do so and there is a reasonable likelihood that Isaac, like the two other children, will suffer injury or abuse if returned to respondent's home. MCL 712A.19b(3)(b)(ii). Both of respondent's other children were repeatedly physically abused by respondent's boyfriend. Respondent failed to protect the children, failed to take responsibility for their injuries, and repeatedly denied her boyfriend's role in the abuse, notwithstanding overwhelming evidence that he committed the crime of physically abusing respondent's children. *Id.*; MCL 712A.19b(3)(j). Moreover, evidence established that respondent was unable to care for her daughter with special needs and that her son, who had no significant medical problems, behaved like a "wild animal," had regular screaming episodes, and lacked the fundamental skills of a normal 18-month old. Respondent also never reached a point during visitations where she was able to handle unsupervised visits with either child. Accordingly, not only did respondent fail to protect the children, she did not provide them proper care or custody and did not demonstrate that she would be able to do so in the future. 712A.19b(3)(g).

Respondent also failed to fulfill numerous aspects of her parent-agency agreement. MCL 712A.19b(3)(i). Respondent's psychological examination revealed that she is in such mental turmoil that she was on the verge of a psychotic episode. Despite that diagnosis, respondent failed to seek any further psychiatric assistance as required by her parent-agency agreement. *Id.* Indeed, the examining psychologist testified that, if respondent did not receive some mental health services, it would be "very, very dangerous" for a child to live with her. Moreover, psychological testing revealed that respondent has no empathy for the needs or feelings of young children and, thus, it is unlikely that respondent would recognize future abuse or intervene to protect the child. Accordingly, it is unlikely that respondent will be able to provide adequate care to Isaac within a reasonable time and there is a reasonable likelihood that Isaac will be harmed if he is returned to respondent's care. MCL 712A.19b(3)(g); MCL 712A.19b(3)(i); MCL 712A.19b(3)(j).

Moreover, evidence did not clearly show that termination was not in the best interests of Isaac. Accordingly, the trial court did not err in terminating respondent's parental rights.

Affirmed.

/s/ William B. Murphy

/s/ Brian K. Zahra

/s/ Deborah A. Servitto