

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of COLLEN SIEL, TASHALIN  
SIEL, GEOFFREY SIEL and KEVIN SIEL,  
Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ANGELA SIEL and LONNIE SIEL,

Respondents-Appellants.

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UNPUBLISHED  
September 13, 2007

No. 277130  
Ionia Circuit Court  
Family Division  
LC No. 06-000066-NA

Before: Sawyer, P.J., and White and Talbot, JJ.

PER CURIAM.

Respondents appeal as of right from the trial court's order terminating their parental rights to the four minor children, Collen, Tashalin, Geoffrey, and Kevin, under MCL 712A.19b(c)(i), (c)(ii), (g) and (j). We affirm.

Respondents assert that petitioner failed to present clear and convincing evidence to establish grounds for terminating respondents' parental rights. We disagree.

This Court reviews the trial court's findings that a ground for termination has been established and regarding the child's best interest for clear error. MCR 3.977(J); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Fried*, 266 Mich App 535, 541; 702 NW2d 192 (2005). If permanent termination of parental rights is sought, the petitioner bears the burden of showing that the allegations establish a statutory basis for termination by clear and convincing evidence. MCR 3.977(A)(3), (E), (F)(1)(b), (G)(3). *In re Trejo Minors*, 462 Mich 341, 351, 355; 612 NW2d 407 (2000). Once a statutory ground for termination of parental rights is established, the court must terminate parental rights unless it finds that termination of the child's parental rights is clearly not in the child's best interest, and additional efforts at reunification of the child with the parent may not be made. MCL 712A.19b(5); *Trejo, supra* at 350.

MCL 712A.19b(3)(j) provides:

(3) The court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, 1 or more of the following:

(j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

Respondents pleaded to a portion of the petition, specifically that Collen was referred to DeVos Children's Hospital for failure to thrive because he was significantly underweight, his weight having fallen from the 25<sup>th</sup> percentile to the 3d percentile.

Testimony at the termination hearing included that the conditions in the Siel apartment at the start of the instant investigation were "deplorable," there was food all over the floor, no visible trash cans, rotten food that several of the children were seen eating, and hazards around the apartment that then one-year-old Collen could place in his mouth. Several of the children were observed clothed in diapers alone, which were hanging and full of urine and feces.

The parent agency agreement required that Lonnie Siel secure employment, that respondents obtain appropriate housing, that respondents' parenting skills improve, that Lonnie complete substance abuse counseling, and that respondents take responsibility for their neglect of the children, recognize it as unhealthy to the children, and demonstrate a basic understanding of the impact of their behavior on the children's emotional functioning. At the time of the termination hearing, respondents had not had legal employment since the year 2000. Lonnie Siel did not secure employment and provided no documentation to support his claims of having sought employment. Regarding housing, respondents were evicted from their subsidized housing and did not have suitable housing at the time of the termination hearing; they were living with Lonnie's parents in a three-bedroom home housing five adults. Testimony at the termination hearing included that respondents were unwilling to acknowledge their neglect of the children and their failure to properly provide for the children, and believed that the children should not have been removed from the home.

There was testimony at the termination hearing that respondents showed some improvement in their ability to handle the children during weekly visitations and in recognizing safety issues, and that several of the children's rooms were cleaner than at the start of the instant investigation. The caseworkers testified that respondents did make some progress and complied in part with the parent agency agreement. Respondents completed parenting classes, Angela Siel was in individual therapy and on medication, and her therapist testified that she was doing better since on medication. However, the caseworkers recommended respondents' parental rights be terminated based on respondents' failure to progress substantially toward reunification, including their failure to obtain suitable housing and employment. Further failure to comply with the parent agency agreement was evidenced by Lonnie Siel's not following through on substance abuse treatment.

Under these circumstances, we agree with petitioner that clear and convincing evidence was presented that a reasonable likelihood existed that the children will be harmed if returned to respondents. MCL 712A.19b(3)(j). "Failure to substantially comply with a court-ordered case service plan 'is evidence that return of the child to the parent may cause a substantial risk of harm to the child's life, physical health, or mental well being.'" *Trejo*, 462 Mich at 346 n 3,

quoting MCR 5.973(C)(4)(b). The record is clear that respondents failed in large part to comply with the parent agency agreement. We thus conclude that the trial court's termination of respondents' parental rights under § 19b(3)(j) is supported by the record and not clearly erroneous. *Trejo, supra* at 356-357, *Sours*, 459 Mich at 633.

Having concluded that petitioner presented clear and convincing evidence that termination was proper under one statutory ground, we need not address respondents' arguments that there was not clear and convincing to support termination under the three remaining statutory grounds found by the trial court. *Trejo, supra* at 350.

Affirmed.

/s/ David H. Sawyer  
/s/ Helene N. White  
/s/ Michael J. Talbot