

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.N.B., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHAMIKA BETHEA,

Respondent-Appellant.

UNPUBLISHED

May 22, 2001

No. 229004

Wayne Circuit Court

Family Division

LC No. 99-376196

Before: McDonald, P.J., and Murphy and Meter, JJ.

PER CURIAM.

Respondent, a minor and permanent ward of the court, appeals as of right from the family court order terminating her parental rights to her minor child, J.N.B., pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), (i) and (j); MSA 27.3178(598.19b)(3)(a)(ii) (parent has deserted the child for 91 or more days and has not sought custody), (c)(i) (conditions that led to adjudication continue to exist), (g) (parent fails to provide proper care and custody), (i) (parental rights to sibling of the child terminated due to chronic neglect or abuse, and prior attempts to rehabilitate unsuccessful), and (j) (reasonable likelihood based on conduct or capacity of the parent that the child will be harmed if returned).¹ We affirm.

The family court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Contrary to respondent's argument, the testimony provided by petitioner's two witnesses, in conjunction with the various agency and hospital reports admitted during the history of the case, was sufficient to rise to the level of clear and convincing evidence. This evidence overwhelmingly demonstrated that respondent, not yet sixteen at the time of termination, continued to exhibit

¹ This was respondent's first child. Accordingly, termination based on subsection 19b(3)(i) was not justified. We do not rely on this subsection in reaching our determination and believe that its inclusion by the family court was merely a clerical error.

violent, hostile and defiant behavior toward those family members and agency workers who attempted to assist her. In addition, the evidence showed respondent's propensity for truancy from various court placements. This conduct, which had repeatedly resulted in a lack of knowledge on the part of the workers as to respondent's whereabouts, was the primary reason for respondent's near complete failure to comply with the terms of her parent-agency agreement. Moreover, the fact that during certain of these periods of truancy respondent wholly failed to visit or even inquire after J.N.B. specifically supported the court's finding of desertion.

We likewise find no merit in respondent's argument that the family court clearly erred when it failed to conclude that termination of her parental rights was clearly not in the child's best interests. See MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *Trejo, supra* at 364-365. Respondent's progress in the three months leading up to the final hearing was not enough to support such a conclusion. She still had to make significant strides toward becoming a suitable and knowledgeable parent and even if she continued to accept ongoing assistance, maintaining her compliance and progress rather than rebelling and again running away, it would have been years before she could achieve an adequate level of understanding and ability. Respondent's history of truancy and defiance similarly counters the argument that agency workers made insufficient efforts to assist respondent and work toward reunification of the family. Sincere and concerted efforts were made. They simply were thwarted by respondent's conduct.

Affirmed.

/s/ Gary R. McDonald
/s/ William B. Murphy
/s/ Patrick M. Meter