

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of JACK GARRETT LITTLE and  
JESSEE MARIE LITTLE, Minors.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TIMOTHY LITTLE,

Respondent-Appellant,

and

MARIE JORDAN,

Respondent.

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UNPUBLISHED  
November 29, 2005

No. 261456  
Monroe Circuit Court  
Family Division  
LC No. 03-017500-NA

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Before: Cooper, P.J., and Fort Hood and Borrello, JJ.

PER CURIAM.

In these consolidated appeals, respondents Timothy Little and Marie Jordan appeal as of right from the trial court order terminating their parental rights to their now three-year-old twins, Jack and Jessee, under MCL 712A.19b(3)(c)(i),<sup>1</sup> (g),<sup>2</sup> and (j).<sup>3</sup> We affirm.

### I. Factual Background

Respondents' children were taken into care after Ms. Jordan left the twins alone overnight when they were only 14 months old. Children's Protective Services (CPS) had been involved with the family since the twins' birth and had since received several referrals on the family. The twins were born prematurely and it was suspected that they suffered from fetal alcohol syndrome.<sup>4</sup> Ms. Jordan has a history of mental illness and, due to her alcoholism, left the children alone or with inappropriate caretakers on a number of occasions. Mr. Little worked long hours and asserted that he could not afford child care to assist Ms. Jordan. Mr. Little minimized Ms. Jordan's alcoholism and often left her alone with the children for long periods of time. Respondents also had a history of domestic violence against each other.

During the pendency of these proceedings, Ms. Jordan was ordered to undergo substance abuse counseling, psychological evaluations and alcohol screens, and to attend parenting classes. Ms. Jordan repeatedly tested positive for alcohol and prematurely left several treatment programs. Ms. Jordan failed to recognize her problem with alcohol and her participation in Alcoholics Anonymous, relapse prevention, and counseling was minimal. Ms. Jordan once arrived for her visitation intoxicated and even attended a court proceeding relating to charges of driving under the influence while intoxicated. However, she did complete parenting classes and regularly attended her supervised visitation.

Mr. Little was ordered to undergo domestic violence counseling, and attend parenting classes and Al-Anon meetings. He completed parenting classes and a domestic violence group.

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<sup>1</sup> Termination is proper if, after 182 days, "[t]he conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age." MCL 712A.19b(3)(c)(i).

<sup>2</sup> MCL 712A.19b(3)(g) provides for termination if "[t]he parent, without regard to intent, fails to provide proper care and custody . . . ."

<sup>3</sup> MCL 712A.19b(3)(j) provides for termination if "[t]here 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."

<sup>4</sup> By the time of termination, this allegation had been disproven.

He visited the children regularly until he began working 72 hours a week in September of 2004.<sup>5</sup> However, Mr. Little continued to disregard the seriousness of Ms. Jordan's alcoholism. He infrequently attended Al-Anon meetings and lost the right to unsupervised visitation after he allowed Ms. Jordan access to the children during his visits. Although Mr. Little was told that he needed to separate from Ms. Jordan in order to regain custody of his children, it appears from the record that they remained together throughout much of the proceedings and intended to reunite in the future.

## II. Ms. Jordan's Plea

Ms. Jordan contends that her admissions at the plea hearing, made pursuant to MCR 3.971, formed an insufficient factual basis to support the court's exertion of jurisdiction over the children. Ms. Jordan never challenged the court's jurisdiction below.<sup>6</sup> We note, however, that Ms. Jordan admitted that, when the twins were still only infants, she left them unsupervised on multiple occasions, including once overnight. Based on this admission alone, the court had probable cause to exert jurisdiction over the children.<sup>7</sup> Moreover, the petitioner also presented sufficient evidence regarding the effect of Ms. Jordan's alcoholism on her ability to care for her children at the preliminary hearings to support the court's decision.

## III. Termination of Parental Rights

Both respondents contend that the petitioner presented insufficient evidence to support the statutory grounds for termination of their parental rights. They also contend that termination was not in their children's best interests. We review a trial court's decision to terminate parental rights for clear error.<sup>8</sup> If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate the respondents' parental rights unless it finds from the record evidence that termination is clearly not in the children's best interests.<sup>9</sup> We review the trial court's determination regarding the children's best interests for clear error.<sup>10</sup>

Due to her alcoholism and, potentially her mental illness, Ms. Jordan repeatedly left her children improperly supervised. She failed to understand the effects of her alcoholism on her ability to care for the twins and continually failed to benefit from services offered to assist her recovery. As Ms. Jordan failed to overcome her dependency by the time of the final termination proceeding, the probate court properly determined that she could not provide proper care and

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<sup>5</sup> Mr. Little also stopped complying with his parent-agency agreement due to his busy work schedule.

<sup>6</sup> See *In re Hatcher*, 443 Mich 426, 438; 505 NW2d 834 (1993) (outlining means of challenging probate court's subject matter jurisdiction).

<sup>7</sup> *Id.* at 433-435; MCR 3.965(B)(11).

<sup>8</sup> MCR 3.997(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

<sup>9</sup> MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000).

<sup>10</sup> *Trejo, supra* at 356-357.

custody within a reasonable time. Mr. Little did benefit from services provided during the pendency of these proceedings. However, Mr. Little repeatedly minimized the danger posed by Ms. Jordan and there is evidence that he planned to reunite with her in the future. In light of his continued involvement with Ms. Jordan, there is a reasonable likelihood that the twins would be harmed if returned to his care. Accordingly, the trial court also properly found a statutory ground for terminating Mr. Little's parental rights.

Furthermore, the trial court properly determined that termination was not contrary to the children's best interests. It is clear that respondents love and are bonded with their children. However, the children would continue to be at risk in Ms. Jordan's care and would potentially be left in her care if returned to Mr. Little. While Mr. Little made significant progress in counseling, he was unable to provide a realistic childcare plan in light of his long work hours. Accordingly, the probate court properly terminated respondents' parental rights.

Affirmed.

/s/ Jessica R. Cooper  
/s/ Karen M. Fort Hood  
/s/ Stephen L. Borrello