

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALYSSA CAMPANELLA and
AIDEN JOHN CAMPANELLA, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SUZETTE CAMPANELLA,

Respondent-Appellant,

and

JOHN DAIRREL ALLEN,

Respondent.

UNPUBLISHED

October 30, 2007

No. 277929

Macomb Circuit Court

Family Division

LC No. 2006-000122-NA

Before: Zahra, P.J., and White and O'Connell, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Protective Services provided services to respondent-appellant for several months before the court took the children into its temporary custody in March 2006. Petitioner alleged that respondent-appellant was unable to provide proper custody and care of the children because of her substance abuse, her lack of suitable housing and legal source of income, and her history of domestic violence. To address the concerns, respondent-appellant signed a parent-agency treatment agreement, which required that she (1) obtain and maintain emotional stability and coping strategies, (2) consistently visit the children, (3) obtain and maintain appropriate parenting skills, (4) obtain and maintain a substance-free lifestyle, (5) maintain a lifestyle free from domestic violence, (6) maintain a legal source of income for at least six months, (7) maintain a safe and suitable home for at least six months, (8) abide by all laws, (9) maintain contact with the foster care worker, and (10) cooperate with in-home services, if applicable. Petitioner filed a permanent custody petition in February 2007, alleging that respondent-

appellant had failed to comply with her treatment plan and could not provide proper care and custody of the children because of her substance abuse and lack of stability.

Trial commenced on April 11, 2007. Respondent-appellant was personally served notice of the trial and came to the courthouse on the date of trial. However, she left before the proceedings commenced. Respondent-appellant's counsel sought to adjourn the trial so that respondent-appellant could attend and participate in the hearing. The court denied the motion, finding that respondent-appellant had been properly served, she had been at the courthouse, and there was no assurance that she would attend an adjourned hearing.

At trial, the caseworker testified regarding respondent-appellant's lack of substantial compliance with the parent-agency agreement. Respondent-appellant completed parenting classes and consistently visited the children. However, she failed to substantially comply with the other goals of her treatment plan. Although she completed an inpatient detoxification program in May 2006 and initially complied in submitting the requested drug screens, which were negative, a hair follicle test performed on November 30, 2006, showed that respondent-appellant had used cocaine on more than one occasion during the preceding 90 days. She was discharged from the outpatient-counseling portion of the treatment program due to sporadic attendance and failure to comply with the program. Respondent-appellant also failed to submit any of the eight random drug screens requested between January 14, 2007, and April 11, 2007. Respondent-appellant completed an initial assessment in connection with her domestic violence counseling but did not participate in any follow-up. She also failed to provide any documentation showing that she had obtained suitable housing and a legal source of income and maintained the same for at least six months.

The foregoing evidence shows that the trial court did not clearly err in finding termination was appropriate under MCL 712A.19b(3)(c)(i), (g), and (j). MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests, MCL 712A.19b(5), so the trial court did not clearly err in terminating respondent-appellant's parental rights to the children. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Respondent-appellant also argues that the trial court erred when it denied counsel's request to adjourn the trial so that she could attend and participate. The trial court decision to adjourn a hearing is reviewed for an abuse of discretion. *In re Jackson*, 199 Mich App 22, 28; 501 NW2d 182 (1993); MCR 3.923(G).

Under MCR 3.923(G), the court may grant an adjournment in a child protective hearing only for good cause and after taking into consideration the best interests of the child. In the instant case, the trial court found that respondent-appellant had been personally served notice of the trial and had been present at the courthouse but left before the proceeding commenced. It further found that there was no guarantee that she would appear at an adjourned hearing. In light of the court's articulated reasons for rejecting the motion to adjourn and respondent-appellant's failure to establish good cause to adjourn the trial, the trial court did not abuse its discretion. Furthermore, MCR 3.972(B)(1) provides, "The respondent has the right to be present, but the court may proceed in the absence of the respondent provided notice has been served on the

respondent.” On appeal, respondent-appellant does not deny that she was provided proper notice or that she was at the courthouse on the date set for trial and chose to leave of her own volition.

Affirmed.

/s/ Brian K. Zahra

/s/ Helene N. White

/s/ Peter D. O’Connell