

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALEXIS RENEE FAULKNER,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JAMIE ANNETTE FAULKNER,

Respondent-Appellant.

UNPUBLISHED

December 20, 2007

No. 277707

Oakland Circuit Court

Family Division

LC No. 05-703807-NA

Before: Murray, P.J., and Hoekstra and Wilder, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child 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).

The trial court did not clearly err by finding at least one statutory ground for termination of respondent's parental rights was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent is a minor and gave birth to Alexis at the age of 14. The primary condition of adjudication was respondent's residence at Adrian Training School and history of assaultive behavior. Respondent was released to the care of her parents during these proceedings, but by the time of the termination trial, respondent was again placed at Adrian Training School because of an assault on her mother. The conditions of adjudication thus clearly continued to exist. MCL 712A.19b(3)(c)(i).

Although our affirmance of one statutory ground is sufficient to move on to a review of the best interests decision, *In re Powers*, 244 Mich App 111,118; 624 NW2d 472 (2000), we further conclude that the trial court also did not clearly err by finding that there was no reasonable likelihood that the conditions of adjudication would be rectified within a reasonable time considering the age of the child. *Id.* Respondent received many services while at Adrian and after she was released from Adrian in March 2006 to live with her parents, including individual and group counseling, parenting classes, art therapy, psychiatric services, and teen parent services. However, throughout these proceedings respondent's own conduct has drastically hindered her ability to parent Alexis. Respondent was rejected by the Kenquest mother/baby program because she could not demonstrate positive behavior for an extended

period of time during her first stay at Adrian. While living at her parents' home, respondent assaulted her mother, resulting in another stay at Adrian, where she remained at the time of the termination trial. Upon her release, respondent would presumably require some period of time in which to demonstrate stability, an eventuality that remains uncertain at best considering her lack of progress throughout these proceedings. It should finally be noted that, while testimony at the termination trial indicated that respondent was doing "okay" at Adrian, further testimony at the best interests hearing indicated that she had been involved in at least two verbal confrontations with staff during her most recent stay.

The minor child is now two years old and has never been in the care of respondent. The child's behavior at visits appears to indicate a tenuous bond with respondent, a circumstance that is at least in part attributable to respondent making herself unavailable to the child by virtue of her placement at Adrian Training School. Under these circumstances, we are left with no impression that the trial court made a mistake by finding that there was no reasonable likelihood that the conditions of adjudication would be rectified within a reasonable time considering the age of the minor child. *Id.*; *In re Terry*, 240 Mich App 14, 22; 610 NW2d 563 (2000).¹

Finally, the trial court did not clearly err by finding that termination was not clearly contrary to the best interests of the child. MCL 712A.19b(5). The child has never been in respondent's care and has a tenuous bond with her. According to Ms. Madigan, who provided teen parent services, Alexis appeared to be struggling to figure out who respondent was. This record supplies no basis to conclude that the trial court made a mistake by finding that termination was not clearly contrary to the best interests of the child.

Affirmed.

/s/ Christopher M. Murray
/s/ Joel P. Hoekstra
/s/ Kurtis T. Wilder

¹ Termination of respondent's parental rights pursuant to MCL 712A.19b(3)(g) was also warranted by the evidence. The same evidence indicating that there is no reasonable likelihood that the conditions of adjudication would be rectified within a reasonable time considering the age of the child, MCL 712A.19b(3)(c)(i), equally indicates that there is no reasonable likelihood that respondent would be able to provide proper care and custody for the minor child within a reasonable time considering the age of the child, MCL 712A.19b(3)(g), so that termination under the latter provision was not clearly erroneous.