

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

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In the Matter of LAMARIO JORDAN, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DWAYNE L RAMSEY,

Respondent-Appellant,

and

LAKISHA JORDAN,

Respondent.

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UNPUBLISHED  
February 21, 2008

No. 279490  
Wayne Circuit Court  
Family Division  
LC No. 99-384283

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Before: White, P.J., and Hoekstra and Schuette, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court order terminating their parental rights to the minor child under MCL 712A.19b(3)(g) and (j). Respondent mother's parental rights were also terminated under MCL 712A.19b(3)(i). We affirm.

Respondent mother's parental rights to four other children had been terminated in May 2004 for failure to rectify the alcoholism, lack of stable housing, and lack of employment that had led to her neglect of the children. She appealed that decision, and this Court affirmed the termination order.<sup>1</sup> Two and a half years after that termination, a referral was made to protective services alleging that respondent mother had given birth to the child who is the subject of this proceeding<sup>2</sup>. Petitioner requested permanent custody in the original petition and did not offer reunification services to either respondent.

Respondent father argues that he was penalized for respondent mother's prior termination, and that the trial court erred in terminating his parental rights in the absence of reunification services. When termination is the agency's goal, there is no requirement that reunification services be provided; however, MCL 712A.18f(1)(b) does require petitioner to justify a decision not to offer services. *In re Terry*, 240 Mich App 14, 26 n 4; 610 NW2d 563 (2000). When this case commenced, respondent father stated that he was not interested in planning for the child, was in violation of his probation and was shortly thereafter arrested for failure to comply with the ordered conditions of probation, showed a marked lack of concern for supporting his 15-year-old daughter as evidenced by a large child support arrearage, and showed a lack of insight into the impact respondent mother's alcoholism had on her ability to parent. Those facts justified petitioner's original goal of termination, and as a matter of law petitioner was not required to provide reunification services. Therefore, the trial court did not err in terminating respondent-father's parental rights in the absence of reunification services.

The trial court did not clearly err in finding that at least one statutory ground for termination of respondents' parental rights was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337, 344-345; 445 NW2d 161 (1989). The evidence showed that the prior termination of respondent mother's parental rights was predicated on chronic neglect of the children due to failure to rectify issues of alcohol abuse and unstable housing, and lack of resources to provide for the children. When this proceeding commenced the child showed no sign of neglect, but respondent mother's condition was substantially the same; she lacked housing, employment or other resources, and necessities for the baby, and she had not sought treatment for her alcoholism. Subsequent testimony established that respondent mother

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<sup>1</sup> *In re Jordan/Jhons, Minors*, unpublished memorandum opinion of the Court of Appeals, issued December 16, 2004 (Docket No. 256028).

<sup>2</sup> That referral was based on a birth match notification, rather than an allegation of abuse or neglect.

still used alcohol, and she failed to provide a requested screen to controvert that fact. Given little change in circumstance and a long history of failure to rectify conditions leading to neglect, there was no reasonable expectation that respondent mother would be able to provide proper care for the child within a reasonable time. Inability to provide proper care established the likelihood that the child would be harmed if returned to respondent mother.

With regard to respondent father, the evidence showed that he failed to provide care for the child at birth and initially stated a lack of interest in planning for him. He had failed to comply with ordered conditions of probation since 2005, had not addressed issues of anger management and domestic violence as ordered in 2004, felt that alcohol use was not a problem for respondent mother even though it previously led to termination of her parental rights, and failed to adequately support his other child. By the time of trial, respondent father was committed to a relationship with respondent mother, but that further demonstrated his lack of insight into safe and proper parenting because there was no reasonable expectation that she would become a fit parent within a reasonable time. There was no reasonable expectation that respondent father would provide proper care or custody for the child within a reasonable time, and therefore the child would likely suffer the harm of neglect if returned to him.

Further, the evidence did not show that termination of respondents' parental rights was clearly contrary to the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondents argue that public policy dictates a child's best interests are served by remaining in the care of his biological parents, and it was contrary to the child's best interests not to provide an opportunity for reunification. However, the facts at the outset of the proceeding showed that respondent mother's circumstances had not changed and there was no reasonable expectation that either respondent would be able to provide proper care for the child within a reasonable time. Therefore, the child's best interests would not have been served by pursuing reunification.

Clear and convincing evidence supported termination of both respondents' parental rights at the initial disposition, and the trial court was mandated to terminate those rights in the absence of evidence showing that doing so was clearly contrary to the child's best interests. No such evidence was presented. There was no evidence of a bond with respondent father, and the child was removed from respondent mother at one month of age. No evidence was presented showing detriment to the child from termination of parental rights, and the trial court did not err in finding that termination was not clearly contrary to his best interests, but was in his best interests.

Affirmed.

/s/ Helene N. White  
/s/ Joel P. Hoekstra  
/s/ Bill Schuette