

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

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In the Matter of JAMON HAKEEM HUNT,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RAQUEL HUNT,

Respondent-Appellant,

and

JERMAINE POTTS,

Respondent.

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UNPUBLISHED  
February 28, 2008

No. 279267  
Jackson Circuit Court  
Family Division  
LC No. 01-003393-NA

Before: Whitbeck, P.J., and Jansen and Davis, JJ.

PER CURIAM.

Respondent Raquel Hunt 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).<sup>1</sup> We affirm. We decide this case without oral argument pursuant to MCR 7.214(E).

**I. Basic Facts And Procedural History**

Hunt was the mother of four children by various fathers, but this appeal addresses only termination of her parental rights to her third child, four-year-old Jamon. The lower court record shows that Hunt's protective services history dated back before Jamon's birth, to July 2001 when

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<sup>1</sup> MCL 712A.19b(3)(c)(i) (conditions of adjudication continue to exist), (g) (failure to provide proper care or custody), and (j) (child will be harmed if returned to parent). The trial court also terminated the parental rights of Jamon's father, Jermaine Potts, under MCL 712A.19b(3)(g) and (j), but he has not appealed that decision and is not a party to this appeal.

a complaint was made that she left her two older children in the car while she went shopping. That complaint was denied, but the children were removed from her care in August 2001 after she was jailed for domestic violence, and a petition was filed alleging that her chronic domestic violence constituted failure to protect. The trial court did not assume jurisdiction, but Hunt was warned, and the children returned home. Eight months later, in May 2002, protective services substantiated an allegation that Hunt's one-year-old child climbed out of the car and was found wandering in the street when Hunt left him while she went into a home to use the telephone. Hunt was referred to parenting classes but did not participate.

Jamon was born on July 2, 2003. Protective services received a complaint in July 2004, alleging that Hunt left one-year-old Jamon alone and that he was found wandering the hallway, and that on a previous occasion Jamon and his two-year-old sibling were alone and found wandering the hallway. The two-year-old sibling was again found crying and wandering alone on October 25, 2004. On the morning of October 28, 2004, a protective services worker found Hunt's live-in 17-year-old nephew reluctantly babysitting the children because Hunt spent the night at her boyfriend's home, but Hunt could not be reached at the number she left. Hunt was upset that she was being investigated by protective services, and the agency had difficulty contacting her. When she did not attend an appointment scheduled on November 12, 2004, this proceeding commenced with a petition filed on November 19, 2004, alleging Hunt's long history of improper supervision and failure to cooperate.

Hunt failed to appear for two scheduled preliminary inquiries, and at the preliminary hearing in December 2004, the trial court authorized the petition and ordered the children removed. Thereafter, Hunt agreed to cooperate with the Lutheran Social Services caseworker's recommendation that she complete parenting classes, undergo psychological evaluation and substance abuse evaluation, find employment, and engage in therapy, after which the children might be returned home and the petition dismissed. Jamon's father, Jermaine Potts, appeared at the January 2004 pretrial, but he did not appear again until the termination hearing because he became incarcerated with an earliest release date of June 20, 2008.

Hunt obtained a psychological evaluation, although it was incomplete because she was late for both scheduled sessions, and submitted sporadic but consistently negative drug screens. She did not begin parenting classes until late-April 2005, or individual therapy until mid-May 2005, and she did not find employment until May 15, 2005, the day before the adjudication trial. She attended a couple of therapy sessions but quit because she did not like the therapist. After two adjournments to allow Hunt additional time to engage in services, the adjudication trial was held on May 16, 2005, at which Hunt admitted leaving the children alone or in the care of her 17-year-old nephew, about whom the agency had concerns, and to failing to immediately cooperate with the agency. The trial court assumed jurisdiction over the children.

Within a month, Hunt engaged in an altercation with a fellow employee at Arby's and lost her job, became unable to pay her rent, and faced eviction. Initially, she did not contest a change of legal custody of her two-year-old to his father, but she later objected. Hunt stopped submitting drug screens in July 2005 because of an "incident" with the lady at the desk at the lab. She obtained employment at Office Depot and negotiated payments with her landlord to avoid eviction. The trial court ordered the children to have weekend visits in her home; however, she was evicted on November 1, 2005, and changed apartments. Her new apartment was inspected and deemed suitable by the agency. Also in November, she was again allowed to submit drug

screens at the same lab but, although she called the agency regularly, she did not consistently submit screens as directed. By the time of the one-year statutory hearing on November 29, 2005, the caseworker reported that Hunt had made guarded progress toward rectifying the conditions leading to adjudication, but she had outstanding warrants to resolve. Hunt left the hearing in response to the four warrants the trial court pulled up on the computer, but she was apprehended and turned over to the sheriff.

Hunt had a history of criminality and engaged in criminal activity during this proceeding. She was (1) convicted in March 2005 of receiving and concealing stolen property less than \$200, for which she paid a fine in lieu of jail time, (2) convicted in August 2006 of assault and battery, for which she paid a fine in lieu of jail time, (3) charged on August 24, 2006 with possession of 50 to 449 grams of a controlled substance, which was apparently dismissed in exchange for her testimony against her boyfriend, and (4) convicted in September 2006 of misdemeanor larceny of \$200 to \$1,000, which had been reduced from two counts of receiving and concealing stolen property over \$1,000. She was sentenced on this last conviction to serve 78 days in jail, but her incarceration was deferred to January 2007 because she was pregnant and soon due to deliver.

Hunt gave birth to her fourth child in December 2006, he was placed with his legal father, and the agency filed a petition requesting his temporary wardship. On January 10, 2007, the agency made a final attempt to reengage Hunt in services toward reunification, but thereafter Hunt made little progress.

Hunt did not serve the 78-day jail sentence in January 2007 but was placed on tether instead, the terms of which she violated, and she was incarcerated from April 1, 2007 to May 5, 2007, thereby interrupting therapy and preventing visits with her children. Petitioner filed a termination petition on May 15, 2007, requesting termination of Hunt's parental right to Jamon and his two half siblings, as well as termination of the parental rights of the three fathers. This petition alleged Hunt's criminality in addition to her long history of improper supervision, failure to participate in therapy or regularly visit the children, and failure to provide documentation of employment. At the termination hearing, petitioner revised its termination request to include only Hunt's parental rights to Jamon, as well as the parental rights of Jamon's father.

The trial court found that Hunt would continue to have problems supervising her children if her "life did not turn around," had made little progress in therapy during the past two and a half years, and required at least six months of committed counseling, which her therapist felt Hunt was unlikely to accomplish. The trial court terminated Hunt's parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). It allowed counsel to argue the issue of best interests separately and found that Hunt loved Jamon but could not provide proper custodial care, and that the evidence did not show termination was clearly contrary to Jamon's best interests. On June 26, 2007, the trial court entered an order terminating Hunt's parental rights. It is from this order that Hunt appeals.

## II. Statutory Grounds For Termination

### A. Standard Of Review

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination has been met by clear and convincing evidence.<sup>2</sup> We review for clear error a trial court's decision terminating parental rights.<sup>3</sup> A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made.<sup>4</sup> Regard is to be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it.<sup>5</sup>

### B. Meeting The Statutory Grounds for Termination

Hunt argues that the trial court erred in terminating her parental rights to Jamon because the statutory grounds for termination were not met. We disagree.

The evidence showed that Hunt failed to properly supervise her children or participate in services to rectify her parenting deficits and issues of criminality and domestic violence since 2001, which constituted lack of proper care and created a likelihood of harm to the children in her care. Jamon was removed from Hunt's care in December 2004, and by the time of the June 2007 termination hearing Hunt had not meaningfully engaged in services, particularly counseling, to address the issues leading to her lack of judgment and improper supervision. During this proceeding she continued to engage in aggressive and criminal behavior and was incarcerated for a short time. Given no significant change in her condition during this proceeding, and essentially not since she first came to the attention of protective services in 2001, the trial court correctly found that she had failed to rectify the conditions leading to adjudication, there was no reasonable expectation that she would do so within a reasonable time, and that Jamon would likely suffer harm if returned to her care. We therefore conclude that the trial court did not err in finding that statutory grounds for termination of Hunt's parental rights were established by clear and convincing evidence.

## III. Best Interests Determination

### A. Standard Of Review

Once a petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights, unless the trial court finds from evidence on the whole record that termination is clearly not in the child's best

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<sup>2</sup> MCL 712A.19b(3); *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999).

<sup>3</sup> MCR 3.977(J); *In re Trejo*, 462 Mich 341, 355-357; 612 NW2d 407 (2000); *In re Sours*, *supra* at 633.

<sup>4</sup> *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

<sup>5</sup> MCR 2.613(c); *In re Miller*, 433 Mich 331, 337; 455 NW2d 161 (1989).

interests.<sup>6</sup> We review the trial court's decision regarding the child's best interests for clear error.<sup>7</sup>

### B. Making The Best Interests Determination

Hunt contends that the trial court erred in its best interests analysis because Jamon was strongly bonded to her and his siblings, and it was detrimental to his best interests to single him out for termination while allowing his brother to benefit from further reunification efforts. We disagree.

Given Jamon's young age of one and a half at the time of removal, two and a half years in foster care, and Hunt's inability to provide proper care for him within a reasonable time, the evidence did not show that termination of Hunt's parental rights was clearly contrary to Jamon's best interests. There was no evidence that Jamon was strongly bonded to the half-siblings from whom he had been separated at a very young age, one of whom he did not know, or that continued separation from them would be detrimental.<sup>8</sup> We therefore conclude that the evidence did not show that Jamon's best interests precluded termination of Hunt's parental rights.

Affirmed.

/s/ William C. Whitbeck

/s/ Kathleen Jansen

/s/ Alton T. Davis

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<sup>6</sup> MCL 712A.19b(5); *In re Trejo*, *supra* at 350.

<sup>7</sup> *In re Trejo*, *supra* at 356-357.

<sup>8</sup> Hunt's parental rights to the child's half-siblings were not yet terminated, but the facts regarding those children were significantly different in that their fathers were seeking their full custody. The father of the minor child who was the subject of this appeal did not seek custody and was unable to provide care because he was incarcerated, leaving no one to parent this child.