

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of ETHAN MARKUS HUGHES and  
MICHAEL MARK LLOYD, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

VANESSA SPENCER,

Respondent-Appellant.

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UNPUBLISHED

March 11, 2008

No. 280208

Wayne Circuit Court

Family Division

LC No. 05-445960-NA

Before: O'Connell, P.J., and Borrello and Gleicher, JJ.

MEMORANDUM.

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

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); MCL 712A.19b(3); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Further, the evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

In this case, respondent was accused of abandoning her three-month-old son at his father's empty house by passing him, with his diaper bag, through a broken window and then leaving. Although issues arose about whether the child was left alone or left with her accuser, the child's paternal uncle, the trial court found that respondent left the child without properly arranging for his care and without adequate reason. The record reflected a history of respondent abandoning her older son as well. After the children were removed from her care, respondent simply failed to make any meaningful attempts to regain custody. She did not comply with the court's treatment program. She did not participate in counseling, she attended only half of the scheduled visits with her children, and she did not submit enough consecutive drug screens to satisfy the trial court that she did not have a substance abuse problem. While the case was pending, she was placed on probation for stabbing Ethan's father. At the termination hearing,

respondent did not have employment and was living in a shelter. Respondent had no explanation or excuse for her failure to comply with the treatment plan.

At the termination hearing and on appeal, respondent argued that within three months she would be able to properly care for her children, obtain employment, and obtain housing. There was no evidence to support respondent's argument. During the case, respondent had a manageable job for only two months, and she had housing for approximately three months. Respondent gave birth to a third son in February 2007, who was hospitalized and with whom respondent visited in the hospital for one month after his birth. However, for the rest of time between December 2005 and June 2007 respondent had no explanation for how she spent her time or why she was unable to work toward reunification with her children. Accordingly, there was no evidence to support respondent's contention that she was capable of achieving reunification in three months. The trial court properly concluded that the statutory grounds for termination had been proven by clear and convincing evidence and that termination was not clearly contrary to the best interests of the children. *In re Trejo Minors, supra* at 354, 356-357.

Affirmed.

/s/ Peter D. O'Connell  
/s/ Stephen L. Borrello  
/s/ Elizabeth L. Gleicher