

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

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In the Matter of JANIYAH MARIE HOPKINS  
and CAMRON TYLER HOPKINS, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SHAWANNA HOPKINS,

Respondent-Appellant.

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UNPUBLISHED

April 10, 2008

No. 279750

Oakland Circuit Court

Family Division

LC No. 05-706711-NA

Before: Zahra, P.J., and Whitbeck and Beckering, JJ.

PER CURIAM.

Respondent Shawanna Hopkins appeals as of right the trial court order terminating her parental rights to her minor children, Janiyah Marie Hopkins and Camron Tyler Hopkins under MCL 712A.19b(3)(c)(i), (g), and (j).<sup>1</sup> We affirm.

I. Basic Facts

Janiyah became a temporary court ward when Hopkins' grandmother sought to terminate Hopkins' guardianship. Hopkins was 16 years old at that time. Hopkins utilized numerous services, including a mother-baby residential center, a daytime learning center and nights with her sister, Job Corps, and alternative education high schools. She was jailed twice, but the charges were dropped, and she was asked to leave the learning center because she violated rules and had altercations with peers. Camron was removed at birth when Hopkins was again living with her grandmother and searching for stable housing and employment. Testimony indicated that she delayed in obtaining prenatal care and she admitted she did not complete required drug screens.

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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 and custody), and (j) (reasonable likelihood of harm if child is returned to parent).

## II. Statutory Grounds For Termination

### A. Standard Of Review

To terminate parental rights, the trial court must find that the petitioner has proven at least one of the statutory grounds for termination 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> We give regard to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it.<sup>5</sup>

### B. Analysis

Hopkins argues that petitioner Department of Human Services (DHS) should have offered more assistance because she was young and a court ward when these proceedings began. DHS generally must make reasonable efforts to rectify the problems that led to adjudication,<sup>6</sup> consistent with the general policy favoring preservation of families.<sup>7</sup> If DHS failed to make reasonable efforts, the failure to do so may prevent DHS from establishing statutory grounds for termination.<sup>8</sup> Some respondents may require extra assistance,<sup>9</sup> but assistance is not unlimited.<sup>10</sup>

For two years, Hopkins was involved in various residential and nonresidential programs intended to address her problems, but she was dismissed because of physical and verbal altercations and failure to follow rules. Although there were sometimes delays that were not Hopkins' fault, she was offered adequate services and simply was unwilling or unable to take advantage of them. A parent's failure to comply with the parent/agency agreement is evidence of a parent's failure to provide proper care and custody for the child.<sup>11</sup>

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<sup>2</sup> MCL 712A.19b(3); *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003); *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*, *supra* at 209-210.

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

<sup>6</sup> MCL 712A.18f; *In re Fried*, 266 Mich App 535, 542; 702 NW2d 192 (2005).

<sup>7</sup> MCL 712A.1(3).

<sup>8</sup> See *In re Newman*, 189 Mich App 61, 67-68, 70; 472 NW2d 38 (1991).

<sup>9</sup> *Id.*

<sup>10</sup> *In re Terry*, 240 Mich App 14, 27-28; 610 NW2d 563 (2000).

<sup>11</sup> *In re JK*, *supra* at 214; *In re Trejo*, *supra* at 360-363, 361, n 16.

The trial court did not err when it found clear and convincing evidence that Hopkins failed to rectify the conditions leading to adjudication and was not reasonably likely to rectify such conditions within a reasonable time.<sup>12</sup> There was no evidence regarding how long Hopkins could remain with her grandmother. She obtained a restaurant job just a few weeks before the termination hearing and had no history of maintaining employment or staying in a job training program. She also failed to complete drug screens and delayed in obtaining prenatal care during her second pregnancy. She had sufficient time to demonstrate financial and emotional stability and was unable to do so. The same evidence supported the trial court's finding that Hopkins failed to provide proper care and custody and was not reasonably likely to within a reasonable time.<sup>13</sup>

We conclude that the trial court did not clearly err in finding that statutory grounds for termination of Hopkins' 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 interests.<sup>14</sup> There is no specific burden on either party to present evidence of the children's best interests; rather, the trial court should weigh all evidence available.<sup>15</sup> We review the trial court's decision regarding the child's best interests for clear error.<sup>16</sup>

#### B. Analysis

Hopkins argues that the trial court erred in its best interests analysis because of the children's young ages. We disagree.

Although Hopkins had a bond with her daughter,<sup>17</sup> this was outweighed by the children's need for stability two years after the eldest child was removed from Hopkins' care.<sup>18</sup> Hopkins faced difficult challenges because of her age and lack of parental support; however, the trial court was required to determine what was in her children's best interests. We conclude that the

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<sup>12</sup> MCL 712A.19b(3)(c)(i).

<sup>13</sup> MCL 712A.19b(3)(g).

<sup>14</sup> MCL 712A.19b(5); *In re Trejo*, *supra* at 350.

<sup>15</sup> *In re Trejo*, *supra* at 354.

<sup>16</sup> *Id.* at 356-357.

<sup>17</sup> See *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004).

<sup>18</sup> *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991).

trial court did not clearly err when it held that termination was not clearly against the children's best interests and terminated Hopkins' parental rights.

Affirmed.

/s/ Brian K. Zahra

/s/ William C. Whitbeck

/s/ Jane M. Beckering