

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JAYDEN EDWARD LOLLIS,
SHAMAR AMIR WEST, and SHANTI ZAHIRN
WEST, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KELLY DENISE WEST,

Respondent-Appellant.

UNPUBLISHED

May 6, 2008

No. 281990

Oakland Circuit Court

Family Division

LC No. 06-720525-NA

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

MEMORANDUM.

Respondent appeals as of right from an order terminating her parental rights to her minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument under MCR 7.214(E).

The trial court did not clearly err in determining that the statutory grounds for termination had been established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). The conditions of adjudication included respondent's lack of income or legal means to support the children, her unstable living conditions for extended periods, which included living with several different men, that she frequently left the children with relatives and failed to get them when promised, and that she watered down the baby's formula. Respondent and petitioner entered into a parent-agency agreement, and respondent was offered services. At each review hearing, it was reported by petitioner that respondent did not comply with the terms of the parent-agency agreement. The minor children were in care for a year, and the only effort respondent had made was compliance with one drug screen. At the time of the termination trial, the conditions that led to adjudication clearly continued to exist. Respondent did not have a job or a source of income, had no ability to support the children, did not have stable housing and lived with yet another male unrelated to the minor children, had not addressed her substance abuse issues by complying with the drug screens, and had not even completed the psychological evaluation.

On appeal, respondent attempts to blame the caseworkers, claiming that referrals were not made and that the second caseworker, did not have sufficient information to testify with

respect to this case because she was newly assigned. Respondent goes so far as to imply that the first caseworker was removed from the case because of “unpredictable performance of her duties.” The evidence does not support these arguments. Testimony established that the case was reassigned to cover the first caseworker’s medical leave. The evidence is replete with testimony with respect to referrals made by petitioner and appropriate correspondence made to respondent. Furthermore, the second caseworker’s testimony shows that she had a thorough understanding of the case.

The trial court also did not err in its best interests determination. See MCL 712A.19b(5). Respondent had not complied with the parent-agency agreement and, based on her psychological evaluation she did not appear to be amenable to treatment and was resistant to change. Respondent did not appear to have a bond with the minor children. The court did not err when it found that the children needed stability and that respondent could not provide it.

Affirmed.

/s/ Helene N. White

/s/ Joel P. Hoekstra

/s/ Michael R. Smolenski