

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CHLOE FAITH TANNER and
CALI ALEXIA OHLINGER, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JESSICA WALKER,

Respondent-Appellant.

UNPUBLISHED

July 17, 2008

No. 281218

Oakland Circuit Court

Family Division

LC No. 06-719867-NA

Before: Fitzgerald, P.J., and Talbot and Donofrio, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

This protective proceeding lasted over 17 months, during which time respondent failed to complete anything the court ordered her to do. The conditions that led to adjudication with regard to respondent were her homelessness, drug use, and failure to protect the children. At the termination hearing, she entered a plea of admission to the supplemental petition's allegations that she had not submitted drug screens from July 2006 through March 2007, had not participated in counseling sessions, was terminated from an inpatient substance abuse program for violating its no drug policy, currently used the drugs Xanax and Vicodin, and had no legal source of income. She also admitted that she would not pass a drug screen if tested that day. The trial court found sufficient evidence to warrant the termination of her rights on the bases of MCL 712A.19b(3)(c)(i), (g), and (j).

At the best interests hearing, respondent testified that she had been drug free for 60 days and would test clean if she provided a screen that day. She also stated she had missed a psychological evaluation ordered for the best interests hearing and scheduled for September 20, 2007, because she had been in a substance abuse treatment program. When the court questioned how she missed the September 20, 2007, psychological evaluation if she had been discharged from the treatment program on September 1, 2007, respondent said she had not been told the date of the evaluation. Upon cross-examination, respondent disclosed she had been discharged from the 120-day treatment program after just 30 days because she had relapsed. The trial court found

that respondent had lied about the reason for missing the September 20, 2007, psychological evaluation and that termination was not clearly against the best interests of the minor children.

Respondent contests the court's best interests determination. Once a statutory basis for termination is established, the court must order termination of parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). We review for clear error the trial court's decision with regard to the child's best interests. *Trejo*, *supra* at 356-357.

At the time of their removal, the oldest child had been in the custody of her father and the youngest child was just three months old. A review of the entire record does not reveal any evidence that respondent and the children were bonded or that the children suffered by her absence. Throughout the proceeding, respondent's lifestyle continued to be unstable due to her homelessness, continued drug abuse, and lack of a stable source of income. At the best interests hearing, she was caught lying about the reason she missed the psychological evaluation and being deceptive about her discharge from the treatment program. This evidence supports the trial court's finding that termination was not contrary to the children's best interests. The children were both young and required stability and permanence in their lives.

Respondent also challenges the trial court's finding that there was sufficient evidence to warrant termination under MCL 712A.19b(3)(c)(i), (g), and (j). However, respondent failed to present this issue in her "Statement of Question Involved" and thus waived this issue. MCR 7.212(C)(5); *McGoldrick v Holiday Amusements, Inc*, 242 Mich App 286, 298; 618 NW2d 98 (2000). Moreover, this argument fails because the trial court did not clearly err in determining that statutory grounds for termination of respondent's parental rights had been established. MCR 3.977(J). The plea of admission entered by respondent at the termination hearing provided clear and convincing evidence that she had not yet rectified the adjudicating conditions of her drug use and homelessness, and there was no reasonable likelihood that she would soon address those problems given her discharge from the treatment program, her lack of counseling, and her lack of stable income. There was also no reasonable expectation that she would become capable within a reasonable time of providing proper care or custody to the young children given her continued deceptions and lack of treatment and counseling, and her continued unstable lifestyle would place the children at risk of harm if they were returned to her care.

Affirmed.

/s/ E. Thomas Fitzgerald
/s/ Michael J. Talbot
/s/ Pat M. Donofrio