

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AMINAH QUEEN
MUHAMMAD, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KRYSTAL DIERDORF-MUHAMMAD,

Respondent-Appellant,

and

FATEEN MUHAMMAD,

Respondent.

In the Matter of AMINAH QUEEN
MUHAMMAD, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

FATEEN MUHAMMAD,

Respondent-Appellant,

and

KRYSTAL DIERDORF-MUHAMMAD,

Respondent.

UNPUBLISHED
September 9, 2008

No. 283479
Ingham Circuit Court
Family Division
LC No. 06-002789-NA

No. 283480
Ingham Circuit Court
Family Division
LC No. 06-002789-NA

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

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the order terminating their parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that petitioner established the statutory grounds for termination by clear and convincing evidence and that termination was not contrary to the child's best interests. *In re Trejo*, 462 Mich 341, 355, 364-365; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); MCL 712A.19b(5); MCR 3.977(J).

With respect to respondent-mother, the allegations in the initial and amended petitions included her history of mental health issues, the family's homelessness, her problematic parenting that prompted three referrals, her lack of participation with certain services, and her lack of employment. Over the course of the proceeding, the only service consistently attended by respondent-mother was visitation with the child. Around the same time the supplemental termination petition was filed in October 2007, respondent-mother contacted Community Mental Health ("CMH") and began engaging in treatment in November 2007. Although still homeless and unemployed by the time of the January 2008 termination trial, respondent-mother argued she should be granted additional time, and this request was supported by a letter from her CMH psychiatrist and counselor, who asked that she be provided another year to comply with services. However, the trial court properly found there was no reasonable likelihood that respondent-mother would soon be able to rectify the problems that caused the child to come into care, or would soon be able to provide proper care or custody for the child, given the child's young age. Respondent-mother's behavior throughout the proceeding demonstrated her lack of commitment to address her serious problems until she was faced with the imminent prospect of losing her child, and her tendency to blame others demonstrated her unwillingness to change.¹ The child was 16 months old by the time of the termination trial and had been in foster care for all but three months of her life. It was unreasonable to ask her to wait another year, and termination of respondent-mother's parental rights was properly based upon MCL 712A.19b(3)(c)(i), (g), and (j). The trial court also did not clearly err in its best interests determination. The bond shared by the child and respondent-mother did not outweigh the child's need for permanence and stability in her young life.

With respect to respondent-father, the allegations in the initial and amended petitions were his criminal history, lack of employment, and use of alcohol. In addition, the family's homelessness was a contributing, although not determining, consideration. Over the course of the proceeding, respondent-father attempted to address his severe substance abuse problem,

¹ On appeal, respondent-mother blames agency workers for failing to provide her with more assistance with psychiatric treatment and counseling, but the evidence established that the delay in treatment was caused by respondent-mother's decision not to follow through on a referral for psychiatric treatment and medication because she did "not have time" and believed medication was unnecessary.

which also included the use of cocaine, but was unsuccessful. In June 2007, the court made his visitations contingent upon the provision of clean drug screens, and he was subsequently never able to exercise his visitation right. Before being incarcerated in October 2007, respondent-father was homeless.² Although he claimed to run a window washing business, the documents he provided were insufficient to verify his income. He remained incarcerated at the time of the termination trial. This evidence clearly and convincingly established that respondent-father had not successfully addressed the adjudicating conditions by the time of the termination trial. There was also no reasonable likelihood or expectation that he would soon address these problems within a reasonable time given the child's age. The problems faced by respondent-father were severe. Although he was substance-free while incarcerated and believed he would comply better with the court orders upon his release, it remained questionable that he was committed to change. He had been noncompliant with treatment for essentially the entire yearlong proceeding, and the evaluating psychologist concluded that respondent-father's inflexible expectations rendered his prognosis for significant change as poor. Furthermore, the child was young and it was not fair to make her wait a long period of time to see whether respondent-father finally addressed his serious problems. Therefore, the trial court properly based termination on MCL 712A.19b(3)(c)(i), (g), and (j). Finally, the trial court's best interests determination was proper given that respondent-father had not seen the child since June 2007, and the young child needed permanence in her life.

Affirmed.

/s/ Pat M. Donofrio
/s/ William B. Murphy
/s/ E. Thomas Fitzgerald

² On appeal, respondent-father argues that he was never provided with information on housing. However, the foster care worker testified she had provided such information to him. We defer to the trial court's ability to judge the foster care worker's credibility in this regard. MCR 2.613(C).