

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

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In the Matter of KAYLEN DENISE  
RICHARDSON, MIKAYLA TEQWA  
COLBERT, and DARNELL JEROME COLBERT,  
Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TAELEEN M. RICHARDSON,

Respondent-Appellant.

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UNPUBLISHED

January 13, 2009

No. 284355

Wayne Circuit Court

Family Division

LC No. 02-414117-NA

Before: Borrello, P.J., and Davis and Gleicher, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the three minor children under MCL 712A.19b(3)(c)(i), (g), and (j). For the reasons set forth in this opinion, we affirm.

This arose in 2002 when respondent, a minor and a permanent ward of the court, absconded with the infant Kaylen from her placement in semi-independent living and went to live with a boyfriend who was domestically abusive. Kaylen was removed from respondent's care at the age of 11 months and has been in foster care for nearly six years. Mikayla was removed from respondent's care at birth and has been in foster care for five years. When Mikayla was placed in the jurisdiction of the court respondent, still a minor and a court ward, she was truant from her placement at Denby maternity center and her whereabouts were unknown. Darnell was also removed from respondent's care at birth and has been in foster care for nearly four years. The petitioner has twice before sought termination of respondent's parental rights to these children.

During the initial custody proceedings the trial court found that several grounds for termination were established with respect to Kaylen and Mikayla but declined to terminate respondent's parental rights, finding that termination would be contrary to the best interests of the children. A short time later, another court found that grounds for termination of respondent's parental rights to Darnell were also not established, due to the trial court's finding that respondent's failure to provide proper care and custody was attributable to her frustration with

the judicial system. A new termination petition was filed with respect to all three children; following a trial, the court again denied termination but advised respondent that, if great strides in compliance with her treatment plan were not evident, termination would again be considered.

Respondent later gave birth to twins, who were allowed to remain in her care. Initially Children's Protective Services investigated the twins and felt that no petition was necessary. Ultimately, a petition was filed seeking temporary custody of the twins but indicating that they should be allowed to remain in the care of respondent. On the basis of admissions by respondent, the trial court assumed jurisdiction of the twins. One of the twins was diagnosed with cerebral palsy at the age of seven months. The twins remain in the care of respondent, and termination of respondent's parental rights has not been sought.

Despite respondent's care of the twins, petitioner again sought termination of respondent's parental rights to Kaylen, Mikayla, and Darnell, and a trial on the petition was held. Our review of the record of that trial leads us to conclude that the trial court did not clearly err by finding that statutory grounds for termination of respondent's parental rights to Kaylen, Mikayla, and Darnell were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent failed to provide proper care and custody for these children, MCL 712A.19b(3)(g), by failing to visit them for a substantial period of time during this case, and by missing approximately half of the visits offered in 2006 and much of 2007. With respect to Kaylen, respondent failed to provide proper care and custody by truanting from placement with the child and then residing with a boyfriend who was physically abusive to respondent. The trial court did not clearly err by finding that there was no reasonable likelihood that respondent would be able to provide proper care and custody for the children within a reasonable time considering their ages. *Id.* A significant factor in the foster care workers' recommendation that respondent's parental rights be terminated, and also in the trial court's decision, was the rather extreme special needs of the three children. Ms. Miller, a foster care worker for the Judson Center, testified that respondent needed a great deal of assistance in order to appropriately deal with all five children, and she would not feel comfortable leaving the children with respondent without assistance even for the one hour of visitation.<sup>1</sup> Ms. Miller felt that respondent did not grasp the significant educational and behavioral needs of the children, and she noted that respondent had failed to attend educational planning meetings for Kaylen and Mikayla, as well as a number of medical appointments to which she had been invited. Ms. Thompson, the most recent worker for the family, observed that respondent was overwhelmed in visits. Ms. Thompson testified that respondent did not redirect the children when they needed to be redirected. Ms. Thompson cited and agreed with the clinic evaluation, which indicated that respondent would be overwhelmed with the care of just the twins who are in her care if she did not have the assistance that she receives from the paternal grandmother of Mikayla and Darnell. Ms. Thompson felt that respondent would require extensive services in order to be able to care for all five children. However, respondent has a history of refusing services. While Ms. Finnegan, the family therapist for respondent and the children, felt that respondent could reach a stage where she would have the ability to care for all of the children, she was unable to offer any time frame in which such progress might be anticipated. Given the unusually long duration of

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<sup>1</sup> Respondent never progressed to unsupervised visits throughout this case.

this case, we believe that a reasonable time must be a very short time. Yet, except for the testimony of respondent's former therapist who had never seen respondent interact with the children and was unaware of their special needs, there was no indication that respondent would be able to provide proper care and custody for the children in the foreseeable future. Under these circumstances, termination of respondent's parental rights under MCL 712A.19b(3)(g) was not clearly erroneous.

The same evidence that indicates that there is no reasonable likelihood that respondent would be able to provide proper care and custody for the children within a reasonable time considering their ages, MCL 712A.19b(3)(g), equally establishes that there is a reasonable likelihood that the children would be harmed if returned to respondent, MCL 712A.19b(3)(j), and the trial court did not clearly err by terminating her parental rights under this statutory subsection.<sup>2</sup>

Finally, the trial court did not clearly err by finding that termination was not clearly contrary to the best interests of the children. MCL 712A.19b(5). Kaylen has been in care for nearly six years, and Mikayla and Darnell have been in care for their entire lives. Permanence for these children is long overdue. While there was some testimony of a bond between respondent and the children, other testimony indicated a weak bond at best. Ms. Thompson testified that there is some attachment between respondent and the children, but it is not very strong. Ms. Miller testified that she observed no bond between Mikayla, Darnell and respondent. Where the evidence indicated that respondent was overwhelmed with the care of the five children, four of whom have very significant special needs, and where there was no identifiable point at which reunification could be foreseen after five years of court oversight, the trial court did not clearly err by finding that termination was not clearly contrary to the best interests of the children.

Affirmed.

/s/ Stephen L. Borrello  
/s/ Alton T. Davis  
/s/ Elizabeth L. Gleicher

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<sup>2</sup> We do not rely upon MCL 712A.19b(3)(c)(i) in affirming the termination of respondent's parental rights. While the conditions of adjudication related generally to respondent's ability to adequately care for the children, the specific nature of her barriers has shifted over the lengthy duration of this case. The one specific condition of adjudication that did continue to exist, unemployment, was noted as a basis for adjudication with respect to Darnell only.