

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of FAITH ANGELIC FORD, HOPE  
MONAE FORD, JEREMIAH JEROME FORD,  
and ELISHA NATHANIAL FORD, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DENISE FORD,

Respondent-Appellant.

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UNPUBLISHED

July 14, 2009

No. 290111

Wayne Circuit Court

Family Division

LC No. 99-375087-NA

Before: Davis, P.J., and Murphy and Fort Hood, JJ.

PER CURIAM.

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

Initially, we agree with petitioner that respondent's brief on appeal fails to conform to the requirements of MCR 7.212(C)(7). Respondent's arguments are totally devoid of citations to the record or supporting authority. An appellant may not leave it to this Court to search for a factual basis to sustain or reject a position. *People v Norman*, 184 Mich App 255, 260; 457 NW2d 136 (1990). Further, an appellant may not merely announce a position and leave it to this Court to discover and rationalize the basis for her claim. *Mitcham v Detroit*, 355 Mich 182, 203; 94 NW2d 388 (1959). Nonetheless, this Court may overlook the deficiencies in respondent's brief and consider any issue that justice requires be considered and resolved. *LME v ARS*, 261 Mich App 273, 287; 680 NW2d 902 (2004); *Steward v Panek*, 251 Mich App 546, 554; 652 NW2d 232 (2002). To the extent that respondent's cursory arguments are intended as challenges to the statutory grounds for termination, we shall consider them in that context.

With respect to respondent's suggestion that the evidence did not support a finding of parental neglect based on the conditions of her home, we note that the record reveals that the trial court exercised jurisdiction over Faith, Hope, and Jeremiah, as well as three older siblings, after respondent tendered a plea of admission in December 2006. Faith and her older siblings had been the subjects of an earlier child protection proceeding that concluded in June 2002. Respondent admitted at the December 2006 plea hearing that her home was in a deplorable condition, that the children were dirty, and that she was in arrears with her mortgage and utility

payments. After Elisha was born in March 2008, respondent tendered another plea of admission that formed the basis of the trial court's exercise of jurisdiction over him. Respondent did not directly appeal either adjudicative order, or seek rehearing as permitted under MCL 712A.21(1), and cannot now collaterally challenge the trial court's exercise of jurisdiction. *In re Powers*, 208 Mich App 582, 587-588; 528 NW2d 799 (1995); see also *In re Gazella*, 264 Mich App 668, 679-680; 692 NW2d 708 (2005).

Therefore, for purposes our review, we consider respondent's arguments as being directed at the statutory grounds for termination in MCL 712A.19b(3)(c)(i), (g), and (j). We review the trial court's finding that a statutory ground for termination was proven by clear and convincing evidence for clear error. MCR 3.977(J); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003).

In this case, the trial court appropriately took judicial notice of the entire legal file. See *In re LaFlure*, 48 Mich App 377, 391; 210 NW2d 482 (1973). Further, although this appeal does not involve respondent's three older children, a parent's treatment of one child is probative of how that parent may treat other children. *In re Powers*, *supra* at 588. Further, a parent's failure to comply with a parent-agency agreement is evidence of that parent's failure to provide proper care and custody. *In re JK*, *supra*, 468 Mich at 214; see also *In re Sours*, 459 Mich 624, 638-639; 593 NW2d 520 (1999). Inherent in any compliance is that a parent benefit from services provided as part of the treatment plan sufficient for a court to conclude that the parent could provide a home in which the children would no longer be at risk of harm. See *In re Gazella*, *supra* at 677.

The evidence concerning respondent's home conditions demonstrated that the children were without proper care or custody within the meaning of MCL 712A.19b(3)(g). Respondent's own plea at the adjudicative hearing for Faith, Hope, Jeremiah, and the three older children demonstrated that the conditions were beyond merely disorderly, but rather provided an unfit environment for the children because of unsanitary conditions and a lack of bedding for the children. According to the foster care worker, respondent's home was again found to be unfit when respondent was pregnant with Elisha and when her older children refused visitation because of the home's condition.

In addition, contrary to respondent's argument on appeal, the record indicates that respondent was prescribed medication for her depression, but failed to consistently take it. And although Dr. Anderson recommended that respondent be given another six months to show whether she could make the necessary changes to provide a safe and stable environment for the children, he was not aware of the full extent of services that had been offered. Considering the testimony of respondent's former therapist, Brenda Hildreth, regarding respondent's failure to benefit from counseling and the other evidence showing that respondent failed to benefit from services, the trial court did not clearly err in finding that there was no reasonable expectation that respondent would be able to provide proper care and custody within a reasonable time, thereby justifying termination under MCL 712A.19b(3)(g).

And while only one statutory ground for termination is required, *In re JK*, *supra* at 210, considering the evidence regarding respondent's failure to rectify the conditions that led to the adjudications, respondent's pattern of providing unsuitable housing for her children, and the

long-term nature of her issues, the trial court did not clearly err in finding that termination was also appropriate under MCL 712A.19b(3)(c)(i) and (j).

Finally, the circumstances of respondent's four younger children were materially different than those of her three older children, one of whom was in the sole physical custody of his father and the other two of whom were of sufficient age to be considered for independent living situations. Considering the length of time the children had been in care and respondent's continuing inability to maintain a stable and suitable home, the trial court did not clearly err in finding that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5); *In re JK*, *supra* at 209.

Affirmed.

/s/ Alton T. Davis  
/s/ William B. Murphy  
/s/ Karen M. Fort Hood