

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KE'MONTE DIMITRI
WILLIAMS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TALISHA HENRY,

Respondent-Appellant.

UNPUBLISHED
September 3, 2009

No. 289771
Wayne Circuit Court
Family Division
LC No. 01-400034-NA

Before: Saad, C.J., and Whitbeck and Zahra, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re BZ*, 264 Mich App 286, 296; 690 NW2d 505 (2004). Despite having her parental rights to two other children terminated previously, the only requirement of the parent-agency agreement that respondent complied with was the requirement that she complete parenting classes. She provided only five of twenty-nine drug screens since April 2008, and all five of those occurred on dates on which respondent was not requested to provide a screen. She specifically disregarded the trial court's request to provide a drug screen following a hearing and instead left the building.

Respondent changed her residence at least four times during the pendency of the proceedings, including three times during the three months before trial. At the time of trial, she was residing at a residence that she told her therapist was intended only as a temporary residence. The only proof of employment that she provided were two pay stubs from a restaurant, but when the caseworker attempted to verify respondent's employment, she was informed that respondent had worked only a few days and not returned. The record fails to indicate that respondent was legally employed during the nine months before trial.

Respondent also failed to complete individual counseling. She was twice referred to different counselors who terminated counseling sessions because she had missed too many

appointments. Although she was referred a third time, she missed several appointments with that counselor as well. She also missed six out of eleven visits with the child before the trial court suspended her visitation. Respondent's caseworker observed that it did not appear that the child wanted to visit respondent. In addition, respondent's therapist opined that respondent did not have the skills necessary to parent the child.

The trial court did not clearly err in finding that the conditions that led to the adjudication continued to exist and were not likely to be rectified within a reasonable time. The trial court also did not clearly err in finding that respondent failed to provide proper care or custody for the child, that there existed no reasonable expectation that she would be able to do so within a reasonable time, and that there existed a reasonable likelihood that the child would be harmed if returned to respondent's care. A parent's failure to substantially comply with the terms of a parent-agency agreement is evidence that returning the child to the parent's care may cause a substantial risk of harm to the child's safety and well-being. *In re Trejo*, 462 Mich 341, 346 n 3; 612 NW2d 407 (2000).

Further, contrary to respondent's argument, the trial court did not abuse its discretion by denying her motion for an adjournment. MCR 3.923(G) states that adjournments in child protective proceedings should be granted only for "good cause" and "after taking into consideration the best interests of the child." "Good cause" requires "a legally sufficient or substantial reason." *In re Utrera*, 281 Mich App 1, 11; 761 NW2d 253 (2008) (citation omitted). Here, respondent failed to present a legally sufficient or substantial reason justifying an adjournment. The record shows that respondent failed to appear at trial because the person who she had arranged to drive her to court failed to pick her up. Although respondent's caseworker had provided her with bus passes previously, respondent failed to maintain contact with her caseworker before trial. These reasons did not establish good cause justifying an adjournment, as the trial court concluded. Moreover, an adjournment would have been contrary to the best interests of the child, who had been a temporary court ward for over 18 months. The trial court did not abuse its discretion by denying respondent's request for an adjournment.

Finally, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 356-357. Respondent failed to even minimally comply with drug screens, failed to maintain stable housing, and failed to maintain legal employment. At the time of trial, she was residing at a residence that was intended only as a temporary residence and had moved three times in the previous three months. She consistently missed individual therapy sessions and only sporadically visited the child before her visitation was suspended. Respondent did not make regaining custody of the child a priority.

Affirmed.

/s/ Henry William Saad
/s/ William C. Whitbeck
/s/ Brian K. Zahra