

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALEXANDRIA MICHELLE
VILLNEFF, JALEN DEREK HOWARD,
DIAMOND DOREEN HOWARD,
CHRISTOPHER CHARLES HOWARD, JR., and
JOHNATHAN JASON HOWARD, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MELISSA SUE VILLNEFF,

Respondent-Appellant.

UNPUBLISHED

January 12, 2010

No. 291957
Wayne Circuit Court
Family Division
LC No. 96-337760

Before: Wilder, P.J., and O'Connell and Talbot, 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) [conditions leading to adjudication continue to exist], (g) [failure to provide proper care or custody], and (j) [reasonable likelihood child will be harmed if returned to the parent's home]. We affirm.

Respondent argues that the trial court clearly erred in finding that the statutory grounds for termination were established by clear and convincing evidence, and in finding that termination of her parental rights was in the children's best interests. We review the trial court's findings for clear error, giving deference to the trial court's special opportunity to judge the credibility of the witnesses who appeared before it. MCR 3.977(J); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The trial court did not clearly err in finding that §§ 19b(3)(c)(i), (g), and (j) were each established by clear and convincing evidence. With respect to § 19b(3)(c)(i), the principal condition that led to the children's adjudication in 2004 was respondent's inability to provide suitable housing. The evidence of respondent's ongoing struggle to maintain suitable housing and her refusal to provide a current home address at the time of the termination hearing in 2009, together with the evidence of her continued financial instability, demonstrates that the trial court did not clearly err in finding that this condition continued to exist and was not reasonably likely

to be rectified within a reasonable time. Cf. *In re Trejo*, 462 Mich 341, 358; 612 NW2d 407 (2000).

In addition, the evidence supports the trial court's determination that respondent chose not to visit the children for two months preceding the filing of the supplemental petition for termination. This evidence was probative of respondent's inability or unwillingness to provide proper care for the children. See *In re Sours*, 459 Mich 624, 639 n 3; 593 NW2d 520 (1999). Considered in light of the other evidence of record, including respondent's failure to show that she could maintain suitable housing even for herself, the trial court did not clearly err in finding that §§ 19b(3)(g) and (j) were also established by clear and convincing evidence.

Respondent's reliance on *In re JL*, 483 Mich 300; 770 NW2d 853 (2009), is misplaced because this case does not involve a child subject to the Indian Child Welfare Act, 25 USC 1901 *et seq.* Further, the record does not support respondent's claim that her parental rights were terminated on the basis of a condition created by petitioner, see *In re B & J*, 279 Mich App 12, 19-20; 756 NW2d 234 (2008), and respondent has not shown any deficiency in the services provided to her to preclude a finding that each statutory ground for termination was proven. See *In re Fried*, 266 Mich App 535, 541; 702 NW2d 192 (2005).

Turning to the children's best interests, we agree with petitioner that this issue could be deemed abandoned because, apart from asserting that the trial court erred in finding that termination of her parental rights was in the children's best interests, respondent does not address the basis for this claim. *State Treasurer v Sprague*, 284 Mich App 235, 243; 772 NW2d 452 (2009). Nonetheless, we are satisfied from our review of the record that 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); MCR 3.977(J); *In re JK*, *supra* at 209. The trial court appropriately considered the children's need for permanency in deciding to terminate respondent's parental rights.

Affirmed.

/s/ Kurtis T. Wilder
/s/ Peter D. O'Connell
/s/ Michael J. Talbot