

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ARIYANA HONESTI REED,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JASON JAMAAL REED,

Respondent-Appellant,

and

JAMIE LEIGH KOPULUS,

Respondent.

UNPUBLISHED
February 23, 2010

No. 293158
Ingham Circuit Court
Family Division
LC No. 08-002444-NA

Before: Fitzgerald, P.J., and Cavanagh and Davis, JJ.

PER CURIAM.

Respondent Jason Jamaal Reed appeals as of right from the trial court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(g) and (j). We affirm.

We review for clear error the trial court's decision that a ground for termination of parental rights has been proven by clear and convincing evidence, as well as the trial court's decision regarding the child's best interests. MCR 3.977(J); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003).

Respondent initially complains that he was not provided with psychiatric treatment or medications, parenting classes, or "desperately needed" eyeglasses. This argument is not timely because respondent did not request psychiatric treatment or eyeglasses at the time that the treatment plan was adopted or soon afterward.¹ Moreover, the evidence contradicts respondent's

¹ See *In re Terry*, 240 Mich App 14, 26; 610 NW2d 563 (2000) (the requirement that the agency make reasonable efforts to reunite a family is consistent with the directive that a parent's disabilities be accommodated, and any claim that the agency failed to accommodate a disability

argument. First, the evaluating psychologist found no psychiatric symptoms when he evaluated respondent, so psychiatric treatment and medications were unwarranted. Second, it was the child's mother, not respondent, who was not provided parenting classes. Third, respondent testified that he managed well enough without glasses and had not found it necessary in the past two years to make efforts to obtain them. Therefore, no additional accommodations were necessary.

Respondent next argues that the evidence was insufficient to warrant termination. However, the evidence showed that respondent's parenting skills were essentially non-existent at the time of the permanent wardship hearing. In addition, respondent was not in compliance with the treatment plan (except for his completion of the psychological evaluation). The environmental condition of his home was consistently inappropriate for a child and, despite receiving several referrals two months before the hearing on permanent wardship, respondent had not attended any of those services. Therefore, it was clearly and convincingly established that respondent had failed to provide proper care or custody for the minor child in the past. The evidence also established that there was no reasonable expectation that respondent would be able to provide proper care and custody for the minor child within a reasonable time given her young age. Respondent's life was unstable to the point of being chaotic. His various relationships with women included the mother of the minor child, a former girlfriend who was pregnant with a child that may have been respondent's, a current girlfriend, and a wife from whom he was separated. Respondent's housing was characterized as nomadic, and respondent testified regarding an upcoming move. Furthermore, respondent had great difficulties in planning ahead, organizing, and prioritizing (which were critical parenting skills). Both the evaluating psychologist and the foster care case manager believed respondent was unable to consistently assume the daily responsibilities of being a parent, so it was unlikely that respondent's parenting skills could be improved even if the rigorous, in-home training suggested by the evaluating psychologist were implemented. As such, termination was properly based upon MCL 712A.19b(3)(g).

Termination was also properly based upon MCL 712A.19b(3)(j). Given respondent's non-existent parenting skills and poor prognosis for improving those skills, there was a reasonable likelihood that the minor child would be harmed if she were returned to respondent's home. Furthermore, the evaluating psychologist was concerned about respondent's propensity toward irritation and verbal hostility, and the possibility that the minor child would be exposed to a number of people entering in and out of respondent's unstable life.

Finally, the trial court did not clearly err in its best interests determination. MCL 712A.19b(5). Respondent had not seen the minor child since she was almost two months old, and the foster care case manager testified that there was no bond between the minor child and

(...continued)

must be made in a timely manner).

respondent.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Mark J. Cavanagh

/s/ Alton T. Davis