STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
June 14, 2012

In the Matter of PATILLO/RIOUS/
GEE-DARDEN, Minors.

No. 307558
Wayne Circuit Court
Family Division
LC No. 04-436088-NA

Before: JANSEN, P.J., and CAVANAGH and HOEKSTRA, JJ.

PER CURIAM.

Respondent appeals by right the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(*i*), (g), and (j). We affirm.

The trial court did not clearly err in finding clear and convincing evidence to support the statutory grounds for termination. See MCR 3.977(K); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). At the adjudication, respondent admitted that she had a history with Children's Protective Services (CPS) dating back to 2003, which included services and court supervision, that one of her children was born positive for Vicodin for which she did not have a proper prescription, that two others were born positive for marijuana, and that she was on probation for uttering and publishing. Most disturbing of the admissions and the facts that supported them was her substance abuse problem.

At the termination hearing, two years later, respondent admitted that she had not participated in the psychiatric evaluation, was terminated from parenting classes due to the lack of cooperation, did not take the majority of her drug screens, did not consistently participate in substance abuse and individual counseling, did not have a legal income or adequate housing, was inconsistent in attending visitation, and that during visits the children were often out of control and she had to be told to redirect them. Again, the most disturbing factor was her failure to comply with drug screens and address her substance abuse problem. The termination hearing was held more than 182 days after the issuance of the initial dispositional order. It was clear from respondent's admissions that she had not fully complied with any of the provisions in her treatment plan. Her admissions provided clear and convincing evidence to establish the statutory grounds for termination. Respondent could not be permitted to have unsupervised visitation with the children or even contemplate reunification. Her failure to comply with her treatment plan and address her substance abuse problem was evidence of her failure to provide proper care or custody for her children and supported the conclusion that the children would be at risk of harm

if returned to her. See *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003); *In re Trejo*, 462 Mich 341, 360-363; 612 NW2d 407 (2000).

The trial court also did not clearly err in finding that termination of respondent's parental rights was in the children's best interests. See MCL 712A.19b(5); *Trejo*, 462 Mich at 354-355. The record clearly shows that respondent willfully did not comply with the treatment plan and did not benefit from any of the services in which she partially complied. She still had the same substance abuse and mental health problems and poor parenting skills that existed when the children were first removed. After her visitations with the children, they were devastated and traumatized. During the proceedings and on appeal, respondent blamed the workers, the agency, and the service providers for the termination, and has never accepted the responsibility for the removal of the children or her failure to comply with the requirements that could have led to reunification. Her testimony was replete with self-praise for her parenting skills and excuses for her noncompliance and did not reflect her admissions at the adjudication or the termination hearing. Respondent had demonstrated that there was no reasonable expectation that she would rectify the conditions within a reasonable time, considering the ages of her children. The children needed stability and permanency. They needed relief from the emotional roller-coaster that respondent created for them each time she saw them or failed to show for a visit. The trial court did not clearly err in finding that termination of respondent's parental rights was in the best interests of the children.

Finally, the trial court did not abuse its discretion when it denied respondent's motion for an adjournment at the best-interest hearing. Adjournments of hearings in child protection proceedings should be granted only for good cause, after taking into consideration the best interests of the children, and for as short a period as necessary. MCL 712A.17(1); MCR 3.923(G).

Here, respondent's request for an adjournment did not take into consideration the children's best interests. The facts showed that respondent stopped all contact after August 17, 2011, including her visitation time with the children, without any explanation. She entered jail on September 23, 2011. On October 27, 2011, when she sought this adjournment, the children had been in care for over 22 months, and respondent would not be released from jail for at least two more months. The children were entitled to a final disposition of the case in order to provide them with permanence and stability. Any adjournment would have only further delayed permanency for the children and would have been contrary to their best interests.

Respondent's request also failed to satisfy the "good cause" requirement of MCR 3.923(G). Her voluntary incarceration for probation violation was not a legally sufficient reason to adjourn the matter. She was present by telephone at the best-interest hearing and testified. Respondent's speculation that she might have a job or housing when she was released from jail was not based on any supportable facts, and her CPS history demonstrated that these achievements were unlikely. Further, she did not provide the names of any possible witnesses or any information regarding what evidence she could proffer that would have made a difference in the outcome of the case. See *VanderWerp v Plainfield Charter Twp*, 278 Mich App 624, 633; 752 NW2d 479 (2008).

Finally, respondent failed to satisfy the "as short a period of time as necessary" requirement of MCR 3.923(G). Even if she could have demonstrated, following the requested adjournment and her release from jail, that she had secured housing and a job, it would not change the fact that she had not benefited from any of the services and had never demonstrated a willingness to cooperate with the agency or comply with her treatment plan. Housing and a job would not have been sufficient evidence to return the children to respondent without an additional extended time for her to demonstrate that she could provide a stable, permanent home and proper care for the children and had overcome her substance abuse. She had already been provided ample time and services to make that demonstration and had failed to do so.

Affirmed.

/s/ Kathleen Jansen
/s/ Mark J. Cavanagh
/s/ Joel P. Hoekstra