

STATE OF MICHIGAN
COURT OF APPEALS

In re DANIELLE MARSHALL, Minor

DEPARTMENT OF SOCIAL SERVICES,

Petitioner-Appellee,

v

JOYCE POPP MARTINEZ,

Respondent-Appellant.

UNPUBLISHED

November 15, 1996

No. 186320

LC No. 83-116 NA

Before: Fitzgerald, P.J., and O'Connell and T.L. Ludington,* JJ.

PER CURIAM.

Respondent mother appeals as of right from a probate court order terminating her parental rights to her teenage daughter. We reverse.

The probate court abused its discretion when it concluded that termination of respondent mother's parental rights was in the best interests of the minor. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). The sole reason advanced by the court in support of its decision to terminate parental rights was Danielle's need for permanency. Unfortunately, at this point in Danielle's life, the court is not in a position to use termination to provide Danielle with the permanency the court believes she needs. The record establishes that the system failed Danielle and, as a result, she was allowed to languish in foster care for some thirteen years and to mature from toddler to young woman. While there is hope that a child of tender years may be provided with permanency by adoptive placement, this Court has recognized that "[o]lder children are not normally adoptable" *In re Newman*, 189 Mich App 61, 71; 472 NW2d 38 (1991). Given Danielle's age, she is an unlikely candidate for adoption and, therefore, unlikely to attain any degree of permanency beyond that afforded by the foster care system -- a permanency of sorts afforded her for the last thirteen years and due to end in less than two years. Accordingly, the court's decision to terminate parental rights does nothing more than secure the status quo and subject Danielle to the very real possibility of being "thrown into society without

* Circuit judge, sitting on the Court of Appeals by assignment.

family support that may very well keep [her] away from crime and homelessness.” *Id.* Such a drastic outcome is unnecessary where the instant record demonstrates hope that respondent mother and Danielle can forge some sort of mutually-acceptable relationship, although most likely in a less than idyllic form, that will provide her with a family support system that would extend beyond respondent to Danielle’s extended family. Under these circumstances, we conclude that the court abused its discretion when it terminated respondent mother’s parental rights.

Reversed. Remanded. We do not retain jurisdiction.

/s/ E. Thomas Fitzgerald

/s/ Peter D. O’Connell

/s/ Thomas L. Ludington