STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of JAVON TRAMELL BROOKS, RAVON LEVELL BROOKS, TIA CHERELLE DAVIS, JAMES TIERRELLE DAVIS, TANGREE LEETRIELL DAVIS, and JORDAN RONNEL DAVIS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

TIFFANEY MONIQUE REGINS a/k/a TIFFEANEY MONIQUE REGINS,

Respondent-Appellant,

and

SEAN BROOKS,

Respondent.

UNPUBLISHED
December 16, 2003

No. 247820
Wayne Circuit Court
Family Division
LC No. 01-397148

Before: Wilder, P.J., and Griffin and Cooper, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the trial order terminating her parental rights to her minor children pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 5.974(I), now MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that petitioner established the existence of one or more statutory grounds for termination by clear and convincing evidence, then the trial court must terminate the respondent-appellant's parental rights unless it determines that to do so is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407

(2000). We review for clear error the trial court's decision with regard to the child's best interests. *Id*. at 356-357.

After vigilantly reviewing the record brought before us for review, we are satisfied that the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. Insufficient living accommodations led to the adjudication. When the six children were brought into protective custody, they had been living with respondent-appellant and the father of the four youngest children in a single motel room. Three months later, respondent-appellant advised the trial court that she had obtained a home, but did not yet have it furnished and thus lived with friends.

At the termination trial, approximately one and one-half years after this statement, respondent-appellant testified that she still did not have a suitable home in which to house her children. Though respondent-appellant obtained a home, she otherwise failed to undertake the necessary repairs to make it habitable. Testimony adduced at the termination trial established that the roof leaked and the ceilings were cracked. Moreover, respondent-appellant reported that the home did not have any heat, furniture or other furnishings. Indeed, trial testimony well demonstrated that respondent-appellant was no closer to providing a suitable home environment for her children at the close of the termination proceedings than she was when her children were initially removed from her care and custody and became temporary wards of the court. Therefore, the trial court did not clearly err in determining that the condition that led to the adjudication continued to exist and there was no reasonable likelihood that the condition would be rectified within a reasonable time given the children's ages.

Furthermore, although respondent-appellant had completed parenting classes, the unambiguous testimony adduced at trial confirmed that she could not employ the skills learned in class to adequately control her children's behavior. Each of the agency workers testified that respondent-appellant had "no control" over her children's disruptive conduct. One of the caseworkers opined that respondent-appellant's visits with her children were consistently the most chaotic visits that occurred at the agency. Testimony established that the children ran in and out of the visitation room, threw temper tantrums, and spilled their beverages on the floor. Although respondent-appellant occasionally attempted to control or otherwise re-direct her children's behavior, the children absolutely did not respond to her directives, thus requiring assistance from agency workers. Additionally, while the record was abundantly clear that respondent-appellant's control over her children never improved, respondent-appellant testified that she did not wish to participate in an intensive parenting program because she believed she did not need additional instruction.

Expert testimony established that all of respondent-appellant's children have special needs. Three of the children suffer from "serious developmental delay," while the older children exhibit "oppositional" behavioral patters and exhibit "real deep hostility" toward individuals in positions of authority. Testimony also established that the children's "severe behavioral problems" resulted in expulsion from school and therapy alike. Notwithstanding, respondent-appellant testified that she did not believe she needed any additional parenting instruction to control her children, and other testimony revealed that respondent-appellant did not begin family therapy or resume her individual therapy until after termination proceedings were initiated.

Testimony further established that respondent-appellant had "verbally attack[ed] Ravon and blamed him for the family's involvement with the FIA, that Tia referred to her foster parents as "mama and daddy," and would not allow respondent-appellant to console her when she became upset during a visit, that Ravon and Javon harbor deep-seated anger toward respondent-appellant and on occasion did not wish to appear at all for scheduled visitations at the agency, and that Javon advised that he "hated" respondent-appellant. Agency worker Simpson-Barns concluded that no bond existed between respondent-appellant and her children.

In light of the evidence and testimony presented upon the whole record, we determine that the trial court did not clearly err in finding that respondent-appellant failed to provide proper care and custody for her children and that there was no reasonable likelihood that she would or could do so within a reasonable time. Similarly, we find that the trial court failed to err in concluding that the evidence did not show that termination of respondent-appellant's parental rights was not in the children's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357.

Affirmed.

/s/ Kurtis T. Wilder
/s/ Richard Allen Griffin
/s/ Jessica R. Cooper