

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MICHAEL ELKINS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TINA LADD,

Respondent-Appellant,

and

MICHAEL R. ELKINS,

Respondent.

UNPUBLISHED

December 27, 2005

No. 263462

Kent Circuit Court

Family Division

LC No. 05-050198-NA

Before: Owens, P.J., Saad and Fort Hood, JJ.

MEMORANDUM.

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

The trial court did not clearly err when it found that the statutory grounds to terminate respondent-appellant's rights were established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). It was undisputed that respondent-appellant's parental-rights to four other children were terminated in 1996 as the result of physical and medical neglect, physical and severe emotional abuse, and sexual abuse. After that, respondent-appellant gave birth to three more children, Randi in 1998, Bruce in 2003, and Michael, the minor child at issue, in 2004. Respondent-appellant abandoned Randi in 2003, did not participate in services offered to her, moved to Florida to avoid protective services intervention with regard to another pregnancy, and gave birth to Bruce. Bruce was made a temporary ward of the court in Florida, and respondent-appellant moved to Michigan and gave birth to Michael. Respondent-appellant did not visit Bruce in Florida after he was taken from her care. During the period of time that she was pregnant with Michael, respondent-appellant was anxious, smoked cigarettes, and did not take medication for her bipolar disorder. Respondent-appellant did not cooperate with agencies that were addressing protection of the minor child. She did not respond to visits, cancelled or did not show for appointments, and was not

forthcoming with information. Testimony of a social worker regarding respondent-appellant's progress was found not to be credible by the trial court because the social worker admitted that her testimony was based on respondent-appellant's self reporting.

Respondent-appellant argues that the case should be remanded and that she should be given an opportunity to receive services toward reunification. The court is not required to provide respondent-appellant with this opportunity. The law is clear that if petitioner requests termination in the initial petition, the need to develop and consider a case plan to reunite the family is eliminated and the trial court can terminate parental rights at the initial disposition hearing. MCL 712A.19b(4) and MCR 3.977(E).

Furthermore, the trial court did not clearly err in finding that it was not contrary to the best interests of the minor child to terminate respondent-appellant's parental rights. MCL 712A.19(b)(5). The minor child needed permanency, and it was clear from all of the evidence presented at the trial that respondent-appellant would be unable to provide the minor child with permanency.

Affirmed.

/s/ Donald S. Owens
/s/ Henry William Saad
/s/ Karen M. Fort Hood