

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of BRIANA ARIELLE MUNDY and  
BRIAN MARCUS MUNDY, Minors.

---

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

CHRISTINA NICOLE TERHUNE,

Respondent-Appellant.

---

UNPUBLISHED

December 19, 2006

No. 270892

Oakland Circuit Court

Family Division

LC No. 05-709864-NA

Before: Meter, P.J., and Connell and Davis, JJ.

PER CURIAM.

Respondent appeals of right from the trial court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(ii), (g), and (j). We affirm.

This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner established the existence of one or more statutory grounds for termination by clear and convincing evidence, the trial court must terminate the respondent'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).

The trial court did not err when it found the evidence clear and convincing to terminate respondent's parental rights pursuant to MCL 712A.19b(3)(b)(ii), (g), and (j). Briana suffered severe and serious injury while in the care of respondent's live-in boyfriend, Christopher Catlin. Respondent had the opportunity to prevent the injury and failed to do so. A neighbor witnessed Catlin yelling at Briana in the presence of respondent as well as dropping her to the floor. Respondent did nothing to prevent Catlin's actions in these circumstances and continued to leave the minor children in his care when she went to work. The minor children's aunt observed the way Briana screamed when left with Catlin and brought this to respondent's attention, and respondent thereafter prohibited the aunt from going to her home. Even after the incident that resulted in severe injury to Briana, respondent did not confront Catlin about what had happened and continued to deny that there were older bruises on Briana. Catlin had admitted to the police that, while "roughhousing" with Briana, he shook her from side to side, threw her in the air, and swung her by her ankles over his head hitting her head on the ceiling and wall causing severe

head trauma. Respondent's refusal to really address what had happened and make appropriate changes so that the minor children would be safe indicated that there was a reasonable likelihood that the young minor children would be harmed in the foreseeable future if returned to respondent's care.

Respondent argues that the trial court should have accepted the stipulation of her plea to temporary wardship in exchange for testifying in the criminal proceedings against Catlin. We disagree. Petitioner had requested an adjournment of the termination proceedings until after respondent testified at the criminal trial, which the trial court denied. MCR 2.503(D)(1) provides that the court may grant an adjournment in its discretion "to promote the cause of justice." A trial court's ruling on a request for an adjournment is reviewed for an abuse of discretion. *People v Coy*, 258 Mich App 1, 17; 669 NW 2d 831 (2003). In this case, respondent was not in any way prejudiced as a result of the trial court's denial of an adjournment. She had the opportunity to cross-examine all of the petitioner's witnesses and the opportunity to present her evidence. Therefore, there was no abuse of discretion.

The trial court also did not err when it terminated respondent's parental rights at initial disposition without requiring petitioner to provide services to respondent. MCL 712A.19b(4) provides that a court may enter an order terminating parental rights at the initial dispositional hearing. Because (1) the initial petition requested termination, (2) the court found that the grounds for jurisdiction were established by a preponderance of the evidence and that one or more facts in the petition were true and established clear and convincing grounds for termination, and (3) the court did not find that it was against the children's best interests to terminate respondent's parental rights, the trial court did not err in ordering termination of respondent's parental rights without the provision of services to her. MCR 3.977(E).

Finally, the court did not err in its best interests determination. The minor children were 1½ and 2½ years old at the time of the best interests hearing. They had been in foster care for ten months after Briana suffered very serious injuries at the hands of respondent's live in boyfriend. The evidence did not support a finding of a strong bond between the minor children and respondent. Respondent was living with her parents, did not have a driver's license, did not have transportation, and had just recently gotten a job working at a mall retail store 30 to 40 hours a week. Respondent still did not have the means to care for the minor children. Respondent did not admit to seeing bruises on Briana's body before the serious incident that caused her to be hospitalized and did not admit to being aware that Catlin mistreated Briana. Respondent's actions and denials continued to show that she would not make good choices with regard to the care of the minor children.

Affirmed.

/s/ Patrick M. Meter  
/s/ Peter D. O'Connell  
/s/ Alton T. Davis