

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of DANIEL WILLIAMS, Minor.

---

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

STEPHANIE STULTZ,

Respondent-Appellant.

---

UNPUBLISHED

January 27, 2009

No. 286251

Genesee Circuit Court

Family Division

LC No. 06-121002-NA

Before: Talbot, P.J., and Bandstra and Gleicher, JJ.

MEMORANDUM.

Respondent mother appeals as of right the trial court order terminating her parental rights under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination had been established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCR 3.977(J).

First, the trial court did not clearly err in finding that respondent mother abandoned Daniel for 91 or more days during the pendency of the case. The foster care worker testified that she did not hear from respondent mother from November 2006 until summer 2007 and that she did not hear from respondent mother again for four or five months after that. Respondent mother testified that she called her foster care worker but did not receive return phone calls. We give regard to the trial court's special opportunity to judge the credibility of witnesses who appeared before it, MCR 2.613(C), and therefore cannot find that the trial court clearly erred in finding the foster care worker's testimony to be more credible.

Daniel was removed from respondent mother because she had substance abuse issues and continued to leave Daniel with his father in a filthy, neglectful environment even after a child protective service worker warned her that Daniel's father was not to have unsupervised visitation. Most of the drug screens that respondent mother completed during this case were positive for cocaine. At the termination trial, respondent mother testified that she had been clean for several months, but she was incarcerated for much of that time and had not completed a substance abuse treatment program. The trial court did not clearly err in finding that respondent

mother could not rectify her substance abuse problem within a reasonable time considering Daniel's age.

Since the child came under the court's jurisdiction, respondent mother had not had stable housing or employment. At the time of the termination trial, respondent mother lived with a friend and had no employment. Respondent mother had not substantially completed the requirements of her parent-agency agreement, and the case had been pending for more than two years. Although she had completed parenting classes, she stopped attending visitation and had not therefore demonstrated improvement in her parenting. Based on these facts, the trial court did not clearly err in finding that petitioner established that respondent mother did not provide proper care and custody for Daniel and could not do so within a reasonable time, and that there was a reasonable likelihood, based on respondent's conduct, that Daniel would be harmed if returned to her care.

We affirm.

/s/ Michael J. Talbot

/s/ Richard A. Bandstra

/s/ Elizabeth L. Gleicher