

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of TAKYE'A NICOLE PORTER,  
DARRICK LAMONT PORTER II, TARREAN  
DARNELL PORTER, TIARRA ROCHELLE  
PORTER, and TAMARRA SHENAE PORTER,  
Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DARRICK LAMONT PORTER,

Respondent-Appellant,

and

JUWANA ROCHELLE WILLIAMS,

Respondent.

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UNPUBLISHED  
February 24, 2009

No. 286456  
Muskegon Circuit Court  
Family Division  
LC No. 03-031939-NA

Before: Whitbeck, P.J., and O'Connell and Owens, JJ.

PER CURIAM.

Respondent Darrick Lamont Porter appeals as of right from the order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that clear and convincing evidence supported the statutory grounds for termination. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); MCR 3.977(J). The original petition alleged that police were called to respondent's home because of a violent disturbance and reports of a young girl threatening to jump out of a second story window, and respondent was subsequently charged with assault. The petition also alleged that respondent had a history of domestic violence. While this matter was pending, police were again called to respondent's home and, at the time of the termination hearing, domestic violence between respondent and his wife continued to be an issue. The clinician who performed respondent's psychological evaluation believed the children would be at risk of harm in respondent's care, explaining there was "a significant possibility that his behavior could be erratic and possibly violent if he were

using alcohol.” The psychological evaluator’s testimony was supported by the testimony of the caseworker who had worked with the family and by the therapist for Tiarra and Tamarra, who testified that the children expressed that they were afraid at visits with their parents. The evidence supports a finding that the conditions that led to adjudication, domestic violence and substance abuse, continued to exist and that there was a reasonable likelihood that the children would be harmed if returned to respondent’s care. The psychological evaluator also testified that respondent was “significantly impaired” as a parent, and his personality was such that he would have difficulty approaching his children in a reasonable fashion. He did not believe that respondent would be able to provide the children with a nurturing and stable environment. The conclusion of the psychological evaluator that respondent tended to minimize his shortcomings, was resistant to any authority figure, and wanted to make his own rules supports a finding that there was no reasonable likelihood that the conditions of adjudication would be rectified within a reasonable time considering the children’s ages.

Under the version of the statute in effect when this termination order was entered, the trial court was required to terminate respondent’s parental rights after finding a statutory ground, unless it determined that termination was clearly not in the children’s best interest. MCL 712A.19b(5); *Trejo, supra* at 352-353. The trial court acknowledged that there was a bond between the children and respondent, that respondent cared for his children, and that the children wished their parents could get along and be drug-free. However, the evidence did not support a conclusion that respondent would be able to provide his children with a safe and stable environment. Thus, the evidence did not show that termination of respondent’s parental rights was clearly not in the children’s best interests.

Respondent also argues that the trial court abused its discretion in denying his request for an adjournment on the first day of the termination hearing. MCR 3.923(G) provides that “[a]djournments of trials or hearings in child protective proceedings should be granted only (1) for good cause, (2) after taking into consideration the best interests of the child, and (3) for as short a period of time as necessary.” We review the trial court’s decision regarding an adjournment for an abuse of discretion. *In re Jackson*, 199 Mich App 22, 28; 501 NW2d 182 (1993).

The trial court properly found that good cause for adjournment did not exist. Respondent was represented by attorney Baker, who was present on the first day of the termination hearing, but respondent decided he wanted new counsel. Baker told the court that, at the end of the pretrial conference, another attorney dropped in to say that respondent had been speaking with him regarding representation. However, some six weeks later at the termination hearing, respondent still had not retained another attorney but did not want Baker, and Baker’s motion to withdraw as counsel was granted. Adjournment was also not in the children’s best interests. These children had been in foster care for a substantial period of time and needed stability. Thus, the trial court did not abuse its discretion in denying respondent’s request to adjourn the termination hearing.

Affirmed.

/s/ William C. Whitbeck  
/s/ Peter D. O’Connell  
/s/ Donald S. Owens