

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
May 16, 2013

In the Matter of HARKNESS, Minors.

No. 313977
Branch Circuit Court
Family Division
LC No. 11-004561-NA

Before: FORT HOOD, P.J., and FITZGERALD and O'CONNELL, JJ.

PER CURIAM.

Respondent mother appeals as of right the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) (conditions of adjudication continue to exist), MCL 712A.19b(3)(g) (failure to provide proper care and custody), and MCL 712A.19b(3)(j) (reasonable likelihood that the child will be harmed if returned to parent's home). We affirm.

The Department of Human Services (DHS) petitioned for removal of respondent's child in May 2011 because respondent was unable to provide a residence for the child and left the child with a friend whose residence was not appropriate for children. The trial court ordered respondent to undergo counseling, substance abuse screenings, a psychological evaluation, and to obtain and maintain stable housing and employment. Respondent gave birth to another child in January 2012 and this child was also placed under the court's jurisdiction because respondent continued to lack suitable housing. Although respondent complied with several aspects of the service plan, she was unable to rectify her housing and employment situation and, therefore, DHS petitioned for termination of respondent's parental rights in September 2012. The trial court held a hearing and terminated respondent's parental rights in November 2012.

Respondent does not challenge the statutory grounds for termination and, therefore, this Court presumes that the trial court did not clearly err in finding that the unchallenged statutory grounds were established by clear and convincing evidence. *In re JS & SM*, 231 Mich App 92, 98-99; 585 NW2d 326 (1998), overruled in part on other grounds *In re Trejo Minors*, 462 Mich 341, 353; 612 NW2d 407 (2000). Rather, respondent contends that the evidence does not support the trial court's finding that termination of her parental rights was in the best interests of the children. She asserts that the fact that she is poor and unemployed is not a reason for terminating her parental rights where she is otherwise a good parent who should have been given additional time and services to enable her to obtain employment and housing.

Although it was uncontested that respondent loved her children, treated them appropriately, and complied with many of the requirements in the service plan, the evidence showed that it was unlikely that the children could be returned to her within the foreseeable future due to her failure to obtain suitable housing for the children or to maintain any type of income. The children required a permanent, safe, and stable environment, which respondent was incapable of providing. To the extent that respondent argues that more services should have been provided, “[t]he time for asserting the need for accommodation in services is when the court adopts a service plan” *In re Frey*, 297 Mich App 242, 247; 824 NW2d 569 (2012). Moreover, given that the record supports that respondent did not take full advantage of the housing and employment services offered to her, the record does not support that she would have fared better with additional services. Thus, relief is not appropriate. *In re Fried*, 266 Mich App 535, 543; 702 NW2d 192 (2005). Accordingly, the trial court did not clearly err by determining that termination of respondent’s parental rights was in the children’s best interests. MCL 712.19b(5); *In re Trejo*, 462 Mich at 356-357.

Affirmed.

/s/ Karen M. Fort Hood
/s/ E. Thomas Fitzgerald
/s/ Peter D. O'Connell