S T A T E O F M I C H I G A N

C O U R T O F A P P E A L S

In the Matter of MONTELL DAVONTAE STEVENSON, PORSHA ANGELIC STEVENSON, GCHILD LEE MOBLEY, JR., and TYRA ANNIE WRIGHT, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

EVELYN RENA STEVENSON, a/k/a EVELYN RENIA STEVENSON,

Respondent-Appellant,

and

LARRY WRIGHT and DARRYL MOBLEY,

Respondents.

UNPUBLISHED
February 22, 2005

No. 257463
Wayne Circuit Court
Family Division
LC No. 02-413361 NA

Before: Talbot, P.J., Whitbeck, C.J., and Jansen, J.

PER CURIAM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory bases for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Trejo,* 462 Mich 341, 344; 612 NW2d 407 (2000). The primary condition leading to adjudication was the admitted physical abuse of Montell by respondent-appellant striking him with an extension cord. The report from respondent-appellant's provider of counseling and parenting classes stated that she was still unable to discipline her children, was uninterested in learning new techniques of discipline, and that Montell remained at a high risk of abuse because he had behavioral problems and respondent-appellant would become frustrated with him. Both Porsha and Gchild had behavioral problems as well. Based on the evidence, in particular the Deaf Options report, we find that the

trial court did not clearly err in finding that § 19(3)(c)(i) and (j) were established by clear and convincing evidence.

Respondent-appellant also did not have housing, employment, or money management skills, and refused assistance in obtaining these things. As such, the trial court did not clearly err in finding that § 19(3)(g) was established by clear and convincing evidence. In addition, respondent-appellant failed to seek custody of her children for more than ninety-one days because she did not in any way contact her children or her foster care caseworker from December 24, 2003, to May 1, 2004. Thus, the trial court did not clearly err in finding that § 19b(3)(a)(ii) was established by clear and convincing evidence.[1]

Furthermore, the trial court did not clearly err in finding that the best interests of the children did not preclude termination. In addition to the facts that the children were likely to be harmed if returned to respondent-appellant and that respondent-appellant did not have a home, employment, or money management skills, respondent-appellant abruptly stopped visiting the children in December 2003, testifying that she was sad and had problems in her head. Yet, respondent-appellant did not attend counseling during that time period. Although Porsha appeared to have a bond with her mother, the younger three children did not. The Deaf Options report stated that respondent-appellant was not able to communicate with her children, that she relied heavily on Porsha to communicate to the other children, and that she discussed inappropriate matters with Porsha. For the above reasons, the trial court did not clearly err in terminating respondent-appellant's parental rights.

Affirmed.

/s/ Michael J. Talbot
/s/ William C. Whitbeck
/s/ Kathleen Jansen

[1] Respondent-appellant argues that the time period to be considered was from December 24, 2003, to March 11, 2004, the date the petition for permanent custody was filed. However, respondent-appellant could have sought custody of her children in other ways besides attending visitation and could have sent cards or letters to her children, but did not. She could have contacted her foster care worker and/or worked on her treatment plan, but did not. The argument that the ninety-one days had to be established as of the date of the filing of the petition is also not persuasive. No part of the statute states that the grounds must be established on the date the petition was filed. And, our Supreme Court, in *Trejo, supra* at 416, considered the grounds of the petition as of the date of the termination hearing.