

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of JAZMIN MICHELLE TURLIN  
and MICHAEL THOMAS TURLIN, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KEVIN TROY TURLIN,

Respondent-Appellant,

and

MELISSA T. PIERSON,

Respondent.

UNPUBLISHED

June 20, 2006

No. 266599

Van Buren Circuit Court

Family Division

LC No. 03-014001

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In the Matter of JAZMIN MICHELLE TURLIN  
and MICHAEL THOMAS TURLIN, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MELISSA T. PIERSON, f/k/a MELISSA T.  
CLARK,

Respondent-Appellant,

and

KEVIN TROY TURLIN,

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No. 266600

Van Buren Circuit Court

Family Division

LC No. 03-014001

Respondent.

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Before: Kelly, P.J., and Markey and Meter, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal by right the trial court's order terminating their parental rights to the children. We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

On February 27, 2003, federal agents raided respondents' home and arrested respondents on drug charges. The next day, Jazmin, four years old at the time, and Michael, seven months old, were taken into the court's temporary custody and placed with their paternal grandmother. Respondent-mother subsequently pleaded guilty and was sentenced to 27 months in federal prison. Respondent-father also pleaded guilty and was sentenced to ten years in prison. His earliest release date is 2011. Respondent-mother served 22 months in a federal prison in West Virginia, where she enrolled and completed an intensive 500-hour drug treatment plan and completed parenting classes. She was released to a halfway house in Michigan on January 29, 2005. Petitioner filed a permanent custody petition in March 2005. In early April 2005, respondent-mother was re-incarcerated for violating her probation by failing to return to the halfway house in a timely manner. She spent 58 days in prison and missed the first face-to-face meeting she was scheduled to have with Jazmin since March 2003.

At trial, Jan Bloom, the caseworker in the instant case, conceded that he was not able to provide respondent-mother with much assistance while she was incarcerated because of the difficulty he had navigating the federal prison system. Nonetheless, respondent-mother testified that she was able to find and complete the services required by the court. After her release, she was also able to find housing and employment without Mr. Bloom's assistance.

Both Mr. Bloom and, Robin Zollar, Jazmin's therapist, recommended termination of both respondents' parental rights. Mr. Bloom focused on respondent-mother's lack of stability since she had been released from prison, noting her probation violation and her involvement and subsequent marriage to a man with a lengthy criminal history. Ms. Zollar was concerned about the psychological damage to the children that would result if they were removed from their home with their grandmother and placed back with respondent-mother. Corey Volpi, the psychologist who evaluated respondent-mother's parenting skills after her release from prison, testified that respondent-mother had the intellectual ability to parent, but he also expressed concerns about the harm to the children if they were removed from their grandmother's care.

On appeal, respondent-father argues that termination of his parental rights was contrary to the children's best interests, particularly since it was anticipated that he would continue to maintain regular contact with the children by phone even if his parental rights were terminated. In considering the children's best interests, the focus should be on the children. *In re Trejo*, 462 Mich 341, 356; 612 NW2d 407 (2000). In the instant case, respondent-father's earliest release date is 2011. Although Ms. Zollar felt that his contact with the children was helpful, she also testified that even if contact were not maintained, she would still recommend termination of

respondent-father's parental rights. Thus, the trial court did not clearly err when it failed to find that termination of respondent-father's parental rights was contrary to the children's best interests.

Respondent-father also argued that granting guardianship of the children to their grandmother was a more appropriate alternative than terminating his parental rights. However, once the statutory grounds for termination are established, the court must terminate parental rights unless termination is not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, *supra* at 350. Because respondent-father does not challenge the statutory grounds in support of termination and the court established that termination was in the children's best interests, the court was not required to consider alternatives to termination.

Respondent-mother raises three issues on appeal. First, she argues that petitioner failed to provide reasonable efforts towards her reunification with the children as required under MCL 712A.18f. But, because she admits that she was able to find the services within the federal prison system on her own to comply with the court orders, respondent-mother has failed to show that she was adversely affected by petitioner's alleged shortcoming.

Respondent-mother next challenges termination under both of the statutory grounds cited by the court, §§ 19b(3)(g) and (j). Evidence that respondent-mother had violated her probation since her release to the halfway house, had missed her first face-to-face contact with the children since May 2003 because of the incarceration resulting from this violation, had married a man with a lengthy criminal history, had missed therapy sessions with Ms. Zollar, and had failed to maintain contact with Mr. Bloom or Ms. Zollar, considered with Mr. Volpi's testimony that respondent-mother had a tendency to avoid emotional demands, supported termination of her parental rights under § 19b(3)(g).

In support of termination under § 19b(3)(j), the court focused on the neglect and abuse Jazmin suffered in respondents' home. While it is true that Jazmin had traumatic memories of her time in respondents' care, the court's conclusion that there is a reasonable likelihood that she would suffer the same harm in respondent-mother's care more than two years later ignores the evidence that respondent-mother was a drug abuser when Jazmin had been in her care, but that she had since participated in an intensive drug treatment program and had been drug-free for over two years. Reliance upon circumstances 2½ years before the termination trial without consideration of the events occurring since then failed to establish "a reasonable likelihood" that the harm would recur. Since the evidence did not establish that there was a reasonable likelihood that the children would be harmed if returned to respondent-mother's care, the trial court clearly erred when it terminated her parental rights under § 19b(3)(j). However, in light of the evidence supporting termination under a separate statutory ground, this error is harmless. *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Respondent-mother also claimed that termination of her parental rights was contrary to the children's best interests. But, respondent-mother had not cared for the children for nearly 2½ years at the time of the termination trial. During that time, the children had bonded with their grandmother and thrived in her care. Jazmin had traumatic memories of her time in respondents' care and had indicated that she did not want to live with respondent-mother. In light of this

evidence, the trial court did not clearly err in determining that the children's best interests did not preclude termination of respondent-mother's parental rights. MCL 712A.19b(5); *In re Trejo*, *supra* at 356-357.

We affirm.

/s/ Kirsten Frank Kelly  
/s/ Jane E. Markey  
/s/ Patrick M. Meter