

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALEXIS ALEXANDERINE
WOODS, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
October 31, 2006

Petitioner-Appellee,

v

BARBARA JEAN CONE,

Respondent-Appellant,

and

ANTHONY WOODS,

Respondent.

No. 268927
Wayne Circuit Court
Family Division
LC No. 04-430738-NA

Before: Whitbeck, C.J., and Saad and Schuette, JJ.

MEMORANDUM.

Respondent-appellant Barbara Jean Cone appeals as of right from the trial court's order terminating her parental rights to the minor child.¹ We affirm. We decide this appeal without oral argument.²

The trial court did not clearly err in finding that statutory grounds for termination were established by clear and convincing evidence.³ This family came to the Department of Human

¹ MCL 712A.19b(3)(b)(ii) (authorizing termination when the parent had the opportunity but failed to prevent physical injury, or physical or sexual abuse), (c)(i) (authorizing termination when conditions leading to adjudication continue to exist), (g) (authorizing termination for the parent's failure to provide proper care and custody), and (j) (authorizing termination when there is a reasonable likelihood of harm should the child return to the parent's home).

² MCR 7.214(E).

³ MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Services' attention in May 2004 after the minor child, then three-years-old, reported to Cone that Anthony Woods had touched her "woo woo." At the prompting of the child's adult half-sister, Cone took the child to the hospital. The results of the medical examination were inconclusive. But Cone admitted that, before the child reported the touching, she would ask the child nearly every day if somebody had touched her inappropriately. This type of inquisition gave rise to the reasonable inference that she knew or suspected that the child was at risk of sexual abuse.

Further, although she did attend parenting classes and visitation, during the nearly two years the child was in protective care, Cone did not substantially comply with any of the other court-ordered services.⁴ She did not regularly attend individual or domestic violence counseling. She did not have stable housing or adequate and regular employment. Moreover, she did not comply sufficiently with requisite drug screens. In fact, she was continuing to consume alcohol and had no insight into how that might affect her use of heroin and cocaine. There was some testimony that, near the time of the termination hearing, Cone had started to attend counseling and make more of an effort to secure housing. But the fact that Cone had not made any progress in the nearly two years that the child was in protective care is indicative of what the future would hold. Cone was simply not motivated to prove that she could properly parent her child. Therefore, the trial court did not err when it concluded that the conditions would not improve within a reasonable time.

Finally, the evidence failed to establish that termination of Cone's parental rights was clearly not in the child's best interests.⁵ The child needed permanency in her life to facilitate her continued growth and development.⁶

Affirmed.

/s/ William C. Whitbeck
/s/ Henry William Saad
/s/ Bill Schuette

⁴ *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003) (stating that failure to comply with the treatment plan is evidence of failure to provide proper care and custody).

⁵ See MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 352-353; 612 NW2d 407 (2000).

⁶ See *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991).