

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of RODERICK JOMAIN HUFF,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SERITA DARCEL HUFF,

Respondent-Appellant,

and

RODERICK J. SELLERS,

Respondent.

UNPUBLISHED
October 28, 2003

No. 245230
Wayne Circuit Court
Family Division
LC No. 01-395755

Before: Gage, P.J., and White and Cooper, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that at least one statutory ground for termination was established by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). The conditions leading to adjudication included respondent-appellant's failure to provide safe and suitable care, including leaving three-year-old Roderick and his ten-year-old sister, who is not part of this appeal, home alone for hours at a time in the evenings, and physical abuse of the children by respondent-appellant's living-together partner (LTP). Respondent-appellant partially complied with the parent agency agreement by completing parenting classes, maintaining employment, engaging in regular and appropriate visitation, and attending some therapy sessions. However, her first therapist terminated her therapy for her failure to schedule appointments and return phone calls, and she did not begin therapy with another therapist for several months, until shortly before the petition was authorized. Respondent-appellant's LTP did not comply with the parent agency agreement; he stopped attending individual therapy after several sessions, refused to return, and maintained he

had done nothing wrong and had no need for counseling. Notwithstanding the court's continued admonitions to respondent-appellant that if she did not discontinue her relationship with her LTP, she could not regain custody of the children, regardless of her own compliance, she continued to live with her LTP for over a year after the children were removed.¹

Respondent-appellant denied for a long time that any real abuse of her children had occurred; she told her most recent therapist, whom she saw three times, that her LTP had only verbally abused the children, and that he was a good man. The evidence was clear that respondent-appellant had not maintained stable housing away from her LTP for any significant period and that at the time of trial she was living transiently, at times with relatives and at times with friends. Although this is a close case, we conclude that the trial court did not clearly err in finding that respondent-appellant, without regard to intent, failed to provide proper care or custody for Roderick and there was no reasonable expectation she would be able to do so within a reasonable time considering the child's age. MCL 712A.19b(3)(g).

Respondent-appellant also asserts that petitioner arbitrarily stopped its efforts to reunite her with her children. We disagree. Respondent-appellant continued to live with her LTP for an unreasonably long period of time, leading to the filing of the termination petition. Petitioner was not required to provide services once the termination petition was filed.

Affirmed.

/s/ Hilda R. Gage
/s/ Helene N. White
/s/ Jessica R. Cooper

¹ At the hearing at which the termination petition was authorized, respondent asserted that she had moved out of her LTP's home and had moved in with a cousin. The FIA report prepared four days before the hearing stated that although respondent visited at her cousin's and spent time there, she was still primarily living with her LTP. The worker had visited the cousin's flat and had observed an empty room that would be occupied by respondent. However, the room lacked a mattress and other indicia of occupancy.