

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRANDON TYLER
SHELLINGTON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

V

KRISTINE SHELLINGTON,

Respondent-Appellant.

UNPUBLISHED

March 23, 2006

No. 264923

Barry Circuit Court

Family Division

LC No. 04-006896-NA

Before: Hoekstra, P.J., and Wilder and Zahra, JJ.

MEMORANDUM.

Respondent 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 the statutory grounds for termination established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 352-353; 612 NW2d 407 (2000). Almost a year after abandoning the child at a friend's home, respondent had not addressed any of underlying issues that led to the child's adjudication as a temporary ward: respondent's housing remained unstable and she had not participated in any services or complied with any of the treatment plan requirements. In addition, she failed to regularly visit the child and her criminal record had lengthened. In its bench opinion, the trial court also noted that respondent had not complied with the PATA requirements that she fulfill her probation terms (including G.E.D. classes and CBT counseling) or obtain reliable transportation (which would be affected by the lack of a driver's license). Respondent's attempt to shift blame onto the agency fails since the agency could not be expected to assist or guide someone that it could not locate. This attempt to avoid blame also underscores respondent's troubling refusal to accept responsibility for her part in the child's neglect and demonstrates that respondent still does not understand that a child needs more than just expressions of love uttered only when it was convenient to the parent. Lastly, it was also illogical for respondent to claim that she was drug-free since she had been the one who failed to provide drug screens. The elements of MCL 712A.19b(3)(c)(i) and (g) were established by clear and convincing evidence and the trial court's determination regarding the best interests of the child was also not clearly erroneous.

Lastly, the trial court did not abuse its discretion in granting the agency's motion to adjourn the termination trial pursuant to MCR 3.977(F)(2) and MCR 3.977(G)(1)(b) since the problems encountered by the agency in serving notice to respondent were caused by respondent's own failure to maintain contact with the agency. In addition, the adjournment provided additional time to respondent to attempt to prove her parenting ability and, therefore, was not prejudicial against her interests.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Kurtis T. Wilder
/s/ Brian K. Zahra