

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MORGAN BLACKBURN,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SHAY BLACKBURN,

Respondent-Appellant,

and

WILLIAM LOGAN,

Respondent.

UNPUBLISHED
September 21, 2006

No. 268611
Macomb Circuit Court
Family Division
LC No. 2004-5795211-NA

Before: Whitbeck, C.J., and Hoekstra and Wilder, JJ.

MEMORANDUM.

Respondent Shay Blackburn appeals as of right from the trial court order terminating her parental rights to her minor child.¹ We affirm. We decide this appeal without oral argument.²

The trial court did not clearly err in finding that at least one of the statutory grounds for termination was established by clear and convincing evidence.³ The evidence at trial indicated that Blackburn had failed to comply with the parent-agency agreement and, over a year after disposition, still showed little motivation to make the changes necessary to alleviate the

¹ MCL 712A.19b(3)(c)(i) (authorizing termination when adjudicating conditions continue to exist); MCL 712A.19b(3)(g) (authorizing termination for failure to provide proper care or custody); MCL 712A.19b(3) (j) (authorizing termination when there is a reasonable likelihood of harm should child return to parent's home).

² MCR 7.214(E).

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

conditions that brought her child under the agency's care. The sole evidence of compliance for most of the terms of the parent-agency agreement was Blackburn's testimony. This Court must give due deference to the family court's determinations regarding the credibility of the witnesses brought to testify before it.⁴ The record indicated that Blackburn had failed to visit the child for a full six months during which she indicated she suffered from extreme depression, yet during the same period engaged in a romantic relationship and got married. At no time did Blackburn ever have unsupervised visits with the child. Her priorities appear focused on herself and not on how to care for her child. Indeed Blackburn's efforts at compliance occurred only in the final month or so before the termination hearing, even though the child had been in care for over a year. The family court must consider how long the child can wait for improvement.⁵

Further, the evidence did not show that termination of Blackburn's parental rights was clearly not in the child's best interests.⁶ Although testimony indicated there was a bond between Blackburn and the child, the testimony also indicated that the child was happy and doing well in her relative placement. She had been on an emotional roller coaster and was in need of stability.

Affirmed.

/s/ William C. Whitbeck

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder

⁴ MCR 2.613(C); *In re Newman*, 189 Mich App 61, 65; 472 NW2d 38 (1991).

⁵ *In re Dahms*, 187 Mich App 644, 648; 468 NW2d 315 (1991).

⁶ MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).