

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

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In the Matter of T.M.C., T.A.C., JR., A.A.E., and  
J.N.H., Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JAVAY M. MILLER,

Respondent-Appellant,

and

TAURUS CANADY and TYRONE HEARD,

Respondents.

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UNPUBLISHED

April 24, 2007

No. 273242

Wayne Circuit Court

Family Division

LC No. 02-415013-NA

Before: Cavanagh, P.J., and Jansen and Borrello, JJ.

PER CURIAM.

Respondent mother Javay M. Miller appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination of respondent's<sup>1</sup> parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The trial court based termination of respondent's and the two fathers' parental rights on several statutory grounds. Although the court did not indicate to which party it attributed each ground, the facts showed that the trial court terminated respondent's parental rights under MCL 712A.19b(3)(c)(i), (g), and (j).

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<sup>1</sup> Respondent fathers did not appeal the order terminating their parental rights. Any reference to "respondent" refers to respondent mother.

The initial disposition was held on February 7, 2003, and three and a half years elapsed before the August 25, 2006 termination hearing. The conditions leading to adjudication with respect to Taurus, Taurae, and Anjanal were primarily respondent's lack of suitable housing and lack of means to provide for the children. Substance abuse was an additional condition leading to Jakara's adjudication.

Although respondent complied with some aspects of her parent agency agreement during 2003, she made no progress in 2004. In essence, respondent made substantial progress for only nine out of the 45 months the children were in foster care, and that progress occurred between February 2005 and October 2005. Thereafter, respondent relinquished her housing and employment to move out of the county, did not participate in counseling or meaningfully engage in substance abuse treatment and testing, and did not visit the children.

While respondent's issues were primarily identified as housing and employment, the evidence showed that the children exhibited such profound emotional and behavioral issues after removal that respondent's parenting skills and issues of sexual impropriety in her home also loomed quite large on the record. The two sets of parenting classes respondent completed would not provide instruction intense enough to remedy such parenting, and the evidence clearly showed that respondent did not participate in counseling long enough to successfully address such serious issues.

Numerous services were marshaled for respondent's benefit for nearly four years, yet respondent did not make a concerted effort to maintain employment and housing, and did not meaningfully engage in counseling. Given the length of time during which respondent failed to make progress, the trial court was correct in concluding that she would not provide the children with suitable housing and other needs within a reasonable time, and that the children would likely suffer harm if returned to her care. The trial court did not err in terminating respondent's parental rights under subsections 19b(3)(c)(i), (g) and (j).

Further, the evidence did not show that termination of respondent's parental rights was clearly contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent had not cared for the children for nearly four years, the entirety of Jakara's lifetime and a substantial portion of the other children's lifetimes. Due to respondent's lack of effort and poor choices, they could not return to her care within the foreseeable future. There was no evidence showing that termination was clearly contrary to the children's best interests.

Affirmed.

/s/ Mark J. Cavanagh  
/s/ Kathleen Jansen  
/s/ Stephen L. Borrello