

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DESHANNON GRANT, JAMAL
GRANT, JASMIRE GRANT, LASUNNA
GRANT, and RAYMOND GRANT, Minors.

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

UNPUBLISHED
December 1, 2005

Petitioner-Appellee,

v

AMANDA THOMAS,

Respondent-Appellant,

and

DESHANNON GRANT,

Respondent.

No. 262835
Genesee Circuit Court
Family Division
LC No. 01-114016-NA

Before: Smolenski, P.J., and Schuette and Borrello, JJ.

MEMORANDUM.

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

The trial court did not clearly err in determining that at least one of the statutory grounds for termination of parental rights was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence was clear and convincing that respondent-appellant made little progress in conquering her cocaine addiction during the two-year proceeding. Although she had completed an inpatient drug treatment program, respondent-appellant failed to demonstrate compliance with subsequent outpatient treatment and failed to provide drug screens as required. During the two-year proceeding, respondent-appellant failed to obtain suitable housing for the children and consistently lacked the means to provide for their basic needs. The evidence was clear and convincing that respondent-appellant was not able to safely and effectively parent the children and that there was no reasonable expectation that she would be able to do so within a reasonable time. The evidence

also showed that the children were likely to suffer harm in her care. MCL 712A.19b(3)(c)(i), (g), and (j) supported termination of respondent-appellant's parental rights.

The evidence was not clear and convincing that respondent failed to protect her children from their father's physical abuse, and subsection 19b(3)(b)(ii) was not applicable to termination of respondent-appellant's parental rights. Evidence was presented suggesting that the children were frequently whipped and otherwise physically abused by Mr. Grant, but the evidence was general, scant, and not sufficient to show respondent-appellant's complicity, presence during the abuse, or failure to attempt to prevent the abuse.

Respondent-appellant also argues that she was denied her constitutional due process right to receive notice of the termination hearing. However, the lower court record and testimony provided at the termination hearing showed that respondent-appellant was personally served with notice of the May 11, 2005, termination hearing on March 22, 2005, and with a copy of the termination petition within the first two weeks of April 2005.

Affirmed.

/s/ Michael R. Smolenski

/s/ Bill Schuette

/s/ Stephen L. Borrello