

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of PRECIOUS MONIQUE  
BRAZIER and SEMAJ AKIMAT BRAZIER,  
Minors.

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

UNPUBLISHED  
December 6, 2005

Petitioner-Appellee,

v

TAMIKA CHARNET BRAZIER,

Respondent-Appellant,

and

LARRY GRIFFIN, a/k/a LARRY GRIFFITH, and  
MICHAEL NEAL,

Respondents.

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No. 262742  
Wayne Circuit Court  
Family Division  
LC No. 95-335097-NA

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

PER CURIAM.

Respondent mother Tamika Brazier appeals as of right from the trial court order terminating her parental rights to her children, pursuant to MCL 712A.19b(3)(c)(i), (g), (i), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

I. FACTS

Precious Monique Brazier and Semaj Akimat Brazier were placed in temporary custody shortly after birth because respondent mother's home was not suitable for children. Respondent mother had already lost custody of four of her children and two other children were temporary court wards, later released to their father. In addition, respondent mother was required to maintain housing and legal income, to attend individual counseling, to perform drug screens, to attend AA/NA meetings, to attend parenting classes, and to visit her children. At the time of trial, respondent mother did not have suitable housing, her employment was not steady because she had just started to work after at least a year of unemployment, and she had just begun to

attend counseling after several months of not attending. The trial court had granted respondent mother with limited visitation rights on the condition that she completed random drug and alcohol screening and received counseling. Respondent mother had partially complied, but tested positive to an alcohol screening immediately after the October 13<sup>th</sup>, 2004 pretrial and had missed several other screenings.

## II. STANDARD OF REVIEW

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). If a statutory ground for termination is established, the trial court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). On appeal from termination of parental rights proceedings, this Court reviews the trial court's findings under the clearly erroneous standard. MCR 3.977(J); *Sours*, *supra* at 633. A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003); *In re Miller*, 433 Mich 331, 337; 455 NW2d 161 (1989). To be clearly erroneous, a decision must be more than maybe or probably wrong. *Sours*, *supra* at 633. Further, regard is to be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it. MCR 2.613 (C); *Miller*, *supra* at 337.

## III. ANALYSIS

### A. Termination of Parental Rights

The trial court did not clearly err in finding that petitioner established sections (c)(i) with regard to Semaj and sections (g), (i), and (j) with regard to both children. MCR 3.977(J).<sup>1</sup> At the time of adjudication, respondent mother did not have suitable housing, had two other children who were court wards, and was partially compliant with her treatment plan for the other children, which was the same as respondent mother's treatment plan regarding Semaj. . . . Although respondent mother completed most of her drug screens and most were negative, she did not provide regular and consistent drug screens. It is not clear whether she attended AA/NA meetings, but at the pretrial nearly three months before the trial, the trial court ordered respondent mother to enter inpatient drug treatment. Respondent mother did not enter inpatient drug treatment and did not provide any good reason for failing to do so. Further, respondent mother needed to work on interacting with the two minor children during visitation and failed to notice when they needed changing or feeding. Finally, respondent mother admitted that her parental rights were terminated to five of her other children. With regard to two other children,

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<sup>1</sup> Although the trial court clearly erred in finding that section (c)(i) was established with regard to Precious because less than 182 days had elapsed from the initial dispositional order to the trial, we find that error harmless where only one statutory ground for termination need be established to support termination. MCL 712A.19b(3).

the petition was dismissed because they were released to their father's custody, not because respondent mother was successfully rehabilitated. Respondent mother was not ever successfully rehabilitated, including in this matter.

#### B. Best Interests of the Child

The trial court also did not clearly err in its best interests determination where the children were removed from her custody immediately after birth, respondent mother did not interact well with the children and neglected their physical needs during visits, and respondent mother did not successfully complete her parent-agency treatment plan. MCL 712A.19b(5).

Affirmed.

/s/ Michael R. Smolenski

/s/ Bill Schuette

/s/ Stephen L. Borrello