

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ASHLEY NICOLE CURTIS and
ABIGAIL ELAINE CURTIS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ERIN ALLEN,

Respondent-Appellant,

and

MICHAEL EDWARD CURTIS,

Respondent.

UNPUBLISHED
February 14, 2008

No. 278528
Genesee Circuit Court
Family Division
LC No. 97-109061-NA

Before: Gleicher, P.J., and O'Connell and Kelly, JJ.

PER CURIAM.

Respondent Erin Allen appeals as of right from the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(g) and (j). We affirm.

Respondent Allen first argues that the trial court erred by finding that the petitioner established the statutory grounds for termination with clear and convincing evidence. We disagree. This Court reviews for clear error a trial court's findings of fact in a termination case. MCR 3.977(J). The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCL 712A.19b(3). The evidence established that respondent had a long-term substance abuse problem and a mental illness that prevented her from properly caring for the children. At the time of the termination hearing, these issues still had not been resolved. Between 1997 and 2004, the children were in respondent's care for only a few months. When they were returned, respondent could not maintain housing, could not consistently abstain from drugs, and funded her drug abuse with grocery money. She also delayed in obtaining much needed surgery for one child, and rejected petitioner's attempts to arrange for transportation to a hospital in Detroit, thereby endangering the life of the child. The record reflects that the child's peculiar ailment will continue to cause

severe and chronic problems in the future and will require responsive observation and care. Although respondent blames petitioner for not offering more assistance, the record discloses that petitioner provided services to respondent over a ten-year period and offered her numerous opportunities to resolve her problems before it sought wardship over her children. The trial court did not clearly err in finding that termination was warranted under MCL 712A.19b(3)(g) and (j).

Respondent also argues that termination of her parental rights was not in the children's best interests. Once a statutory ground for termination is established, the court must order termination of parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353, 355-356; 612 NW2d 407 (2000). The trial court's determination of a child's best interests is also reviewed for clear error. *In re Trejo*, *supra* at 356-357.

The trial court acknowledged that the best interests question was difficult because the children were bonded to respondent and did not want her parental rights terminated. However, there was evidence that the children's preferences were partly influenced by the fact that respondent would let them do what they wanted, without instilling discipline or restrictions on their behavior. Additionally, the children acknowledged that returning to respondent would likely lead to a life on the streets, with respondent squandering money on drugs. According to the children's therapist, termination of respondent's parental rights would give the children a sense of permanence that they could not have while remaining in foster care while respondent continued to fail at reunification. Taken as a whole, the evidence did not clearly show that termination of respondent's parental rights was contrary to the children's best interests, so the trial court did not clearly err by terminating respondent's parental rights.

Affirmed.

/s/ Elizabeth L. Gleicher
/s/ Peter D. O'Connell
/s/ Kirsten Frank Kelly