

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of KATINA BEAL and SHA-NYA  
BEAL, Minors.

---

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KAREN MICHELLE BEAL,

Respondent-Appellant,

and

LEON STEWART and TERRANCE HENRY,

Respondents.

---

Before: Sawyer, P.J., and Murray and Stephens, JJ.

PER CURIAM.

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

The trial court did not clearly err in finding a preponderance of evidence supported its assumption of jurisdiction over the children. MCL 712A.2(b)(1) and (b)(2); MCR 3.972(C)(1). Respondent admitted a 20-year cocaine addiction, the children were absent from school more than 80 days during the 2007 to 2008 school year, respondent failed to renew medical and cash benefits needed to provide for the children, and respondent's home was the scene of drug sales. More than a preponderance of evidence showed that neglect, drug use, and criminality rendered respondent's home unfit.

In addition, the trial court did not clearly err in finding that the statutory grounds for termination of respondent's parental rights were established by clear and convincing evidence, and in terminating her parental rights at the initial disposition. MCR 3.977(E), (J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Child protective proceedings are considered one continuous proceeding and the trial court must be aware of the total circumstances of the case, so the trial court appropriately took judicial notice of the evidence presented during respondent's

1997 to 1998 proceeding. *In re LaFlure*, 48 Mich App 377, 390-391; 210 NW2d 482 (1973). In that proceeding, her parental rights to six other children were terminated for chronic neglect stemming from her addiction to substances. Respondent did not rectify that condition of substance abuse even though she completed detoxification and an inpatient treatment plan. The children in the present case were also removed for neglect due to respondent's addiction. Respondent argues on appeal that the trial court erred in summarily terminating her parental rights without provision of services because she acknowledged her addiction and requested help, and the trial court should have ordered the intensive inpatient treatment she needed to successfully conquer her addiction.

The evidence showed that respondent was the subject of several protective services referrals during the nine-year interval between child protective proceedings, most stemming from cocaine use, and that she evaded agency workers. During 2007 and 2008, respondent received advice and referral from her cash assistance worker, the school attendance officer who was acquainted with her extended family, and the protective services worker to obtain a substance abuse assessment and referral to an appropriate treatment program. Respondent ceased contact with those persons once they recommended treatment, but she eventually initiated treatment at Black Family Development and was placed in an intensive outpatient program. However, she continued to use cocaine during the program and stopped attending after nine sessions. She tested positive for cocaine at the pretrial hearing.

The evidence showed prior attempts to rehabilitate respondent, including previous completion of inpatient treatment in 1998, had been unsuccessful. Clear and convincing evidence showed respondent actively used cocaine throughout this proceeding and the children would experience neglect and the risk of harm if returned to her care because her condition had not improved. There was no evidence indicating respondent would be able to overcome her addiction within a reasonable time even with inpatient treatment. Therefore, the trial court did not clearly err in declining to again order inpatient treatment and other efforts toward reunification and did not err in terminating respondent's parental rights under § § 19b(3)(g) and (j).

The evidence was clear that respondent's parental rights to the children's half-siblings were involuntarily terminated for failure to rectify chronic neglect stemming from use of substances, thus supporting the trial court's decision in this case to terminate respondent's parental rights under § 19b(3)(l). The evidence was clear that prior attempts to rehabilitate respondent had not been successful, and therefore the trial court did not err in terminating respondent's parental rights under § 19b(3)(i).

Affirmed.

/s/ David H. Sawyer  
/s/ Christopher M. Murray  
/s/ Cynthia Diane Stephens