

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of KEYANA SHAUNTA MILLER,  
CHIQUITA MARIE WARREN, LAMONT  
DESHAWN MOORE, BRIANA LATRICE  
SWINNEY, TIANNA DENISE SWINNEY, and  
MICHAEL BRANDON WARREN, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHERRE WARREN, a/k/a SHERON WARREN,

Respondent-Appellant,

and

GERALD SWINNEY, KEITH MILLER,  
LAMONT MOORE, and STEVEN BLACK,

Respondents-Not Participating.

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UNPUBLISHED

June 8, 2004

No. 252149

Kalamazoo Circuit Court

Family Division

LC No. 02-000160-NA

Before: Markey, P.J., and Wilder and Meter, JJ.

PER CURIAM.

Respondent-appellant appeals by right from the trial court order terminating her parental rights to her minor children pursuant to MCL 712A.19b(3)(g). We affirm.

This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner established the existence of one or more statutory grounds for termination by clear and convincing evidence, then the trial court must terminate the respondent's parental rights unless it determines that to do so is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review for clear error the trial court's decision with regard to the child's best interests. *Id.* at 356-357.

After carefully reviewing the record, we are satisfied that the trial court did not clearly err in finding that the statutory ground for termination was established by clear and convincing evidence. After respondent's live-in boyfriend severely sexually abused two of her children, the children were taken into protective custody. Evidence presented at the termination trial established that the two victims developed profound emotional and behavioral problems from the abuse. Furthermore, because of respondent-appellant's neglect, all of the children displayed varying degrees of maladaptive emotional and behavioral patterns.

Respondent-appellant did not take advantage of rehabilitative opportunities offered to her. Although she received referrals for a psychological evaluation and individual therapy immediately following the adjudication, she did not submit to a psychological evaluation until seven months later and only after a second referral. Similarly, respondent-appellant wholly failed to participate in individual therapy. Indeed, testimony presented at trial established that, although respondent-appellant scheduled bi-weekly appointments, she participated in only four sessions. Moreover, to achieve reunification, the foster care manager scheduled twenty in-person meetings with respondent-appellant during the pendency of the case, but respondent-appellant attended only one meeting.

Respondent-appellant's parent agency treatment plan required her to participate in random drug screens, obtain suitable housing, and maintain a legal source of income. Testimony presented at trial established that out of twelve scheduled drug screens respondent-appellant tested positive three times for cannabis, submitted three negative screens, and altogether failed to appear for six. Moreover, despite referrals for services, respondent-appellant failed to obtain suitable housing and maintain a legal source of income sufficient to support herself and her six children. Although respondent-appellant managed to secure employment at a fast food restaurant, she consistently failed to report for work and was accordingly discharged.

Respondent-appellant's treatment plan also required her to attend and complete parenting classes. After a second referral, respondent-appellant attended thirteen out of fifteen classes and thus successfully completed the program. Nonetheless, despite completing parenting classes, the evidence established that she failed to employ the skills she learned to adequately control her children's conduct. During visitations, respondent-appellant displayed marked difficulty in controlling her children's behavior and relied on the case aides.

Furthermore, respondent-appellant attended only approximately seventy-five percent of the scheduled visits. After the June 2003 permanency planning hearing, respondent-appellant voluntarily surrendered her right to visit with her children because she became "upset" at the FIA's ultimate decision to proceed with termination. After the permanency planning hearing, respondent-appellant had no further contact with her children, failed to communicate with the foster care worker, and never again inquired about her children's well being. Indeed, respondent-appellant did not appear at the termination trial to protect her interests.

Considering the evidence and testimony presented upon the whole record, the trial court did not clearly err in finding that respondent-appellant failed to provide proper care and custody for her children and that there was no reasonable likelihood that she would do so within a reasonable time considering the children's respective ages.

Further, we find that the trial court did not clearly err in applying MCL 712A.19b(5). *Trejo, supra* at 356-357. The evidence produced did not demonstrate that termination of respondent-appellant's parental rights was antithetical to the children's best interests. MCL 712A.19b(5). Considering respondent-appellant's inability to provide a safe home environment for her children, the children's resulting emotional and behavioral problems, and respondent-appellant's unwillingness to fully participate in rehabilitative services, it was not contrary to the children's best interests to terminate their mother's parental rights.

We affirm.

/s/ Jane E. Markey  
/s/ Kurtis T. Wilder  
/s/ Patrick M. Meter