

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of SHERICE NICOLE CURTIS,  
SHAMARRIA FATIMA FRANKLIN,  
SHARNELL ALIYAH FRANKLIN, KENNETH  
STANLEY THOMPSON, JR., and SHAWN  
MONTRELL FRANKLIN, Minors.

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DEPARTMENT OF HUMAN SERVICES,  
  
Petitioner-Appellee,

v

STEPHANIE FRANKLIN,  
  
Respondent-Appellant.

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UNPUBLISHED  
September 18, 2007

No. 275436  
Genesee Circuit Court  
Family Division  
LC No. 98-110664-NA

Before: O’Connell, P.J., and Murphy and Fitzgerald, JJ.

PER CURIAM.

Respondent mother appeals as of right from the order terminating her parental rights to these minor children pursuant to MCL 712A.19b(3)(g) and (j). We affirm.

On appeal, respondent argues that the trial court erred by finding that petitioner established the existence of a statutory basis for termination of her parental rights with clear and convincing evidence. We disagree. We review for clear error the trial court’s determination that petitioner established the existence of one or more statutory grounds for termination. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

This case has a long, disturbing history. After allegations that respondent was abusing and severely neglecting her two-month-old son, Shamar, respondent arranged for a family friend to receive guardianship over him. Respondent had not provided sufficient housing, food, or medical treatment for the child. In June 1999, respondent’s daughter Sherice was born. When Sherice was roughly two months old, she and her mother entered a safehouse to escape abuse at the hands of Sherice’s father. Due to her mother’s neglect and homelessness, Sherice was placed in foster care about a month later. At that time, a psychological examination determined that respondent had a low probability of ever providing satisfactory parenting care to her children and a high probability of neglecting them or exposing them to abuse. Another daughter, Shamarrria, was born in November 2000. Over the next three months, respondent received extensive training, one-on-one services, and funds to help her learn how to run a home properly.

Shamarria remained with respondent, and after nearly two years in the foster care system, Sherice was returned to respondent in August 2001.

In June 2002, another daughter, Sharnell, was born. In August 2002, child protective services received a report that respondent's housing was again in deplorable condition. In January 2003, about five months later, police arrested a woman in whose care respondent had left her seven-month-old baby, Sharnell, so Sharnell was placed in foster care for three weeks.

In September 2003, respondent gave birth to a son, Kenneth. In December 2003, investigators arrived at respondent's residence to find burns and bruises on Sherice, Sharnell, and baby Kenneth. The serious burns were several hours old, and one of the burns on Kenneth's abdomen had only been treated with small bandages even though the skin was peeling. The floors of the residence were covered in clothing and trash. None of the beds had sheeting, and the only crib was filled with clothing. A pan full of cold grease was left on the stovetop, and another burner was still aflame. The bruising on Sherice was consistent with her report that she had been struck by a belt. The children were removed from the home and placed in foster care.

Despite respondent's general lack of progress and her flagrant disregard for the trial court's rulings limiting her association with unrelated males, the children were reunited with respondent in December 2004, a few weeks before she gave birth to another son, Shawn. Respondent continued to receive exhaustive parental services, and caseworkers continued to report a general lack of progress in developing practical, independent parenting skills. Shawn was not receiving adequate medication or care from respondent, who left several parenting tasks to her five-year-old daughter. Nevertheless, respondent's custody of the children continued until Shamar made allegations in August 2005 that he saw six-year-old Sherice engaging in sexual acts with the eight-year-old son of respondent's live-in boyfriend. Investigators again found the home in deplorable condition, with dirty diapers, garbage, and clothing again strewn about the residence and no food in the home. Doctors later found evidence of vaginal penetration of both Sherice and three-year-old Sharnell.

After their removal from respondent's care, Shamarria, Sharnell, and Kenneth all exhibited extensive and precocious familiarity with sexual acts and terms, even acting out sexually on one another. Sharnell has repeatedly propositioned foster care workers and attempted to fondle other children. The children all displayed a total lack of control over their emotions, and during parenting times, respondent would disengage from them while they threw bitter tantrums. She was repeatedly reminded not to take or make calls on her cellular phone and that she needed to parent her children. After one of the last parenting-time visits, respondent insisted on leaving at 5:00 p.m. in the middle of a major emotional meltdown by her children. It took four caseworkers to subdue the children, who bit, scratched, and screamed through the hallways after respondent left.

Under these circumstances, the trial court did not clearly err by finding that petitioner presented clear and convincing evidence of statutory grounds for termination. Because of their past neglect, each of the children needs extensive personal care, and petitioner has demonstrated respondent's inability to provide basic parental needs. According to MCL 712A.19b(3)(g), a trial court may terminate a parent's rights to a child if "[t]he parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the

child's age." In this case, respondent has not made any reasonable improvement to her parenting after seven years of intervention and exhaustive services. The children have each spent only a small fraction of their lives in her care and each has received inadequate care during that time. All the children have endured the fallout of a life filled with abuse and neglect under their mother's care, and none of them could reasonably expect a safe and timely return to her home. Moreover, petitioner has also clearly established MCL 712A.19b(3)(j), because further harm to these high-needs children would almost certainly follow if they were returned to respondent's care. Because petitioner established each of these statutory grounds for termination with clear and convincing evidence, the trial court correctly decided that termination of respondent's parental rights was appropriate unless it appeared that termination would clearly contravene the children's best interests. *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000).

Finally, the record does not reflect that termination was clearly contrary to the children's best interests. MCL 712A.19b(5). Under their mother's care, the children were severely neglected and abused. Any bond with their mother was plainly superseded by her pronounced inability to parent and protect them. This case's history adequately indicates that the children's best interests were served by terminating respondent's rights so that each child could hope to receive permanent placement and care. Therefore, the trial court correctly granted the petition to terminate respondent's parental rights. *In re Trejo, supra*.

Affirmed.

/s/ Peter D. O'Connell  
/s/ William B. Murphy  
/s/ E. Thomas Fitzgerald