

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of CERINA PEERLAIR POLK and  
EERVANTAY L.D. POLK, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHALOAM ROZELL-MARIE POLK,

Respondent-Appellant,

and

HENRY JUSTUS HINTON II and ERIC  
ARTHUR THOMAS,

Respondents.

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UNPUBLISHED

August 4, 2005

No. 259805

Calhoun Circuit Court

Family Division

LC No. 04-000299-NA

Before: Zahra, P.J., and Gage and Murray, JJ.

MEMORANDUM.

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

The trial court did not clearly err in finding that statutory grounds to terminate respondent-appellant's parental rights had been established by clear and convincing evidence. MCR 3.977(J); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003). The minor children were brought into care because respondent-appellant left the children for several days in the care of her mother who was not mentally or physically able to care for them. In addition, the home that the minor children lived in with respondent-appellant and her mother did not have heat, was kept warm by keeping the oven door open, did not have a refrigerator nor hardly any food, had clutter and garbage strewn around the apartment and had dangerous items such as beads and insulin needles in the reach of the minor children. In addition, respondent-appellant was incarcerated at the time of the termination trial on November 17, 2004, and was to remain incarcerated until December 15, 2004. However she failed to find suitable housing before her incarceration and had continued to live in the same house with her mother, and she failed to provide any evidence to show she had suitable housing available to her after her release. Therefore, respondent-

appellant failed to provide proper care or custody for the children, and there is a reasonable likelihood that the children will be harmed if returned to her home.

Respondent-appellant was given the opportunity to comply with a parent/agency agreement, and services were provided, but she failed to substantially comply with the terms of the agreement. Respondent-appellant did not attend psychological evaluation appointments until she was incarcerated, was not consistent with counseling until incarcerated, and did not complete parenting classes. Furthermore, respondent-appellant did not have a legal income or financial stability. She only agreed to comply with the requirements of the parent/agency agreement that did not involve submitting to alcohol screens, and she was late or did not show for about half of her scheduled visitations with the minor children. She also continued to consume alcohol as a minor in violation of the laws of the State of Michigan up until the time that she was incarcerated. Respondent-appellant's argument that the grief over her father's recent death and her claim that she was diagnosed with multiple sclerosis were valid reasons for not complying with the parent/agency agreement is without merit. Moreover, her argument that she should have been given more time did not take into account her substantial lack of compliance with the parent/agency agreement before her incarceration. Therefore, the conditions leading to adjudication continue to exist.

Finally, the evidence did not clearly show that termination of respondent-appellant's parental rights was not in the children's best interests. MCL 712A.19b(5). Therefore, the trial court did not clearly err in terminating her parental rights.

Affirmed.

/s/ Brian K. Zahra  
/s/ Hilda R. Gage  
/s/ Christopher M. Murray