

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of A'MYRACLE D'ASYA  
BRADLEY, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SHAQUAYE DESHUN BRADLEY,

Respondent-Appellant,

and

STEVEN THOMAS,

Respondent.

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In the Matter of ANIYAH DONSHE BRADLEY,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SHAQUAYE DESHUN BRADLEY,

Respondent-Appellant,

and

CRUZ GARY,

Respondent.

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UNPUBLISHED  
August 28, 2007

No. 275700  
Saginaw Circuit Court  
Family Division  
LC No. 06-030581-NA

No. 275701  
Saginaw Circuit Court  
Family Division  
LC No. 06-030580-NA

Before: Murphy, P.J., and Talbot and Servitto, JJ.

SERVITTO, J. (*concurring in part and dissenting in part*)

While I agree with the majority that respondent was not denied her due process rights, I conclude that the trial court clearly erred when it failed to find that termination was contrary to the children's best interests and would thus reverse and remand.

Under MCL 712A.19b(5), the court must terminate parental rights if it finds that at least one of the statutory grounds for termination has been met by clear and convincing evidence "unless there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). The majority cites respondent's drug history, drug abuse by respondent's mother, and respondent's poor judgment regarding the safety of her children (stemming from the burns to A'Myracle's hands) as reasons to support its determination concerning whether termination was in the children's best interests. I do not believe that any of the cited reasons, by themselves and, especially when taken together with the additional evidence, support a conclusion that termination of respondent's parental rights was not contrary to the children's best interests.

It is true that when A'Myracle was born in November 2005, she tested positive for cocaine. Although protective services became involved, it filed no petition concerning the children and the children remained in respondent's care. Protective services then *offered* services (none arguably being required as no petition was filed) to the then 18-year-old respondent, with which she cooperated, including successfully completing a 30-day inpatient treatment program in May 2006 to address her cocaine use. While respondent self-reported last using cocaine in June of 2006, there was no evidence of respondent having undergone drug testing at any time. To me, an admission of drug use when respondent presumably knew there would be no follow up to determine whether an admission or denial was truthful signifies an attempt to be honest with protective services and herself to address a substance abuse problem.

Following her completion of the drug treatment program, petitioner referred respondent to a residential teen-parenting program which would teach her independent living skills. Notably, however, there was no evidence that the children were neglected or mistreated in the home respondent shared with her mother and stepfather (despite allegations of their cocaine use). There is no indication the children were not fed, clothed or cared for properly, or that they suffered from any abuse in respondent's care. Moreover, whether the teen parenting program was a requirement or simply a suggestion is unclear (again, there being no petition or service plan at that time), and even the protective services worker conceded that respondent's failure to participate in the residential program may have been due to the serious health issues her mother was facing at the time and respondent's reluctance to leave her. I would add that respondent's young age and the fact that she had two young children likely made leaving her mother's home to care for and support the children without family assistance appear to be a monumentally frightening action.

With respect to A'Myracle's severely burned hands, testimony was given that after the accident, respondent acted appropriately, calling an ambulance and staying with the child while she was being treated. While A'Myracle's severe burns from the faulty fan wiring were

unfortunate, the conclusion that respondent should have been aware of the risk of danger to her children from the fact that a week before the child's injuries she had received a shock on her foot that sent shivers but produced no physical injury, was tenuous. Moreover, testimony indicated that the fan remained in the home for several days following the accident because the family had no other fan, and the fan was removed before the child returned home.

By terminating her parental rights, it appears that respondent was penalized for being young, poor, and honest. Taking into account the few short months between the filing of the petition and the termination of respondent's parental rights as well as the above, I would find the trial court clearly erred when it failed to conclude that termination was contrary to the childrens' best interests.

/s/ Deborah A. Servitto