

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BLAKE SAMUEL COLLINS and
NEVEAH HARRIS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

CRYSTAL JEWELL COLLINS,

Respondent-Appellant,

and

MICHAEL FORREST FLETCHER and DEPLURI
HARRIS,

Respondents.

In the Matter of BLAKE SAMUEL COLLINS,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHAEL FORREST FLETCHER,

Respondent-Appellant,

and

CRYSTAL JEWELL COLLINS and DEPLURI
HARRIS,

UNPUBLISHED

April 23, 2009

No. 288182

Wayne Circuit Court

Family Division

LC No. 08-479017-NA

No. 288253

Wayne Circuit Court

Family Division

LC No. 08-479017-NA

Respondents.

Before: Borrello, P.J., and Murphy and M. J. Kelly, JJ.

PER CURIAM.

In these consolidated appeals, respondent-mother appeals as of right the trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(ii), (g), and (j). Respondent-father appeals as of right from the trial court's order terminating his parental rights to his minor child under MCL 712A.19b(3)(g), (h), and (k)(i). Because we conclude that there were no errors warranting relief, we affirm in both cases. These appeals have been decided without oral argument under MCR 7.214(E).

In order to terminate parental rights, the trial court must find clear and convincing evidence that at least one of the statutory grounds for termination has been met and that termination of parental rights is in the best interests of the children. See MCL 712A.19b(3) and MCL 712A.19b(5). This Court reviews a trial court's factual findings for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

The trial court did not clearly err when it found that there was clear and convincing evidence establishing grounds for terminating respondent-mother's parental rights under MCL 712A.19b(3)(b)(ii), (g), and (j). The trial court took jurisdiction over the minor children after Blake, who was then about 13 months old, sustained second-degree burns over six percent of his body while in respondent-mother's care. Police officers discovered Blake's injuries after responding to a domestic violence call. Respondent-mother claimed her live-in boyfriend, Depluri Harris, who was the putative father of Neveah, had inflicted the injuries three days earlier when he tried to give Blake a bath in water that was scalding hot. Respondent-mother did not seek medical treatment because she feared her children would be taken from her. She admitted that she was high on marijuana and that the apartment was strewn with beer bottles and used diapers when the officers arrived. Both respondent-mother and Harris fled the scene after the children were discovered. The officers reported that the apartment was filthy and unfit for children, with no refrigerator, stove, beds, or infant formula, and little food or clothing. The initial petition requested termination of parental rights based on the severity of the injuries and respondent-mother's failure to seek treatment for Blake's burns.

The testimony was clear and convincing that respondent-mother was aware of the potential risk to Blake from her boyfriend. Her childcare provider and her mother voiced their concerns over the changes that they saw in Harris' behavior and the potential for Blake to be hurt. Respondent-mother downplayed Harris' drug use and his "kind of mean" treatment of Blake. She admitted that Harris was violent toward her but insisted that he had been good to Blake before Blake was injured. Even after she discovered severe burns on Blake's buttocks, and Harris admitted to bathing him in scalding water, respondent-mother did not end her relationship with Harris. Respondent-mother admitted that she used marijuana, yet failed to see how the marijuana use could alter her judgment with respect to keeping Blake safe. While she

admitted she needed to keep the children away from Harris, she stated that it did not “click” that she needed to do something about it until the children were actually removed from her care.

The physician who treated Blake testified that the burns had occurred on at least four different occasions, but respondent-mother claimed that she never saw any burns until three days before the police officers arrived. Even after respondent-mother discovered the severe burns on Blake’s buttocks, she did not take him to the hospital. Instead, she admitted that she poured peroxide on the burns and applied A & D ointment. She also testified that she kept Blake bare bottomed so that the burns could heal—but the police report indicated that Blake’s clothing was sticking to his wounds when they discovered him. Respondent-mother admitted that she used marijuana throughout her pregnancy with Blake and for at least the first month of her pregnancy with Neveah. She continued in relationships with the fathers of the minor children even though the relationships included drug use and domestic violence. Respondent-mother had also been diagnosed with bipolar disorder, but did not take her medication. Her judgment and decision making skills were clearly impaired by her emotional instability. She acknowledged that she was unable to care for the minor children at that time and did not feel she would be able to care for the minor children for three years. A psychologist who evaluated respondent-mother opined that she could not, ethically or in good conscience, come up with a plan to reunite respondent-mother with the minor children. The psychologist testified that it was not because of the severity of the injuries inflicted on Blake, but because of respondent-mother’s actions once she discovered the injuries and her nonchalant attitude toward the events that had occurred.

The trial court also did not clearly err when it found that it was in the children’s best interests to terminate respondent-mother’s parental rights. Respondent-mother acknowledged that she would be unable to take care of the minor children for three years. She also admitted that the decisions she made protected her own interests rather than the interests of the children. She was unable to provide them with a safe, stable, and nurturing environment where they could grow up and feel secure. The minor children deserved stability, and respondent-mother could not provide it within a reasonable period of time considering the ages of the minor children, both of whom were less than two years old.

Respondent-father, who was incarcerated before Blake was born and has remained incarcerated throughout these proceedings, does not challenge the trial court’s findings concerning the statutory grounds for termination. Instead, he challenges the trial court’s determination that termination of his parental rights was in Blake’s best interests. Respondent-father did not acknowledge paternity until Blake was over a year old and had been had been in the temporary custody of the court for several months. Respondent-father had never seen Blake, had not made arrangements for his care, or provided any support for him. Respondent-father argues that he provided an alternative plan for Blake’s care but fails to acknowledge the insincerity of the plan. On the last day of testimony at the termination hearing, respondent-father stated that his brother could care for Blake, but he had not come forward because he was waiting to see what respondent-mother’s family would do. According to respondent-father’s testimony, he would be incarcerated for three more years. His earliest release date had been extended based on his misconduct. Even after his release, respondent-father still had mental health and substance abuse issues he would have to work on before even being considered as a possible placement for Blake. Respondent-father was unable to provide the minor child with a safe, stable, and permanent home within a reasonable period of time considering the child’s young

age. The trial court did not clearly err in finding that termination of respondent-father's parental rights was in Blake's best interests. *Trejo, supra* at 356-357.

Affirmed.

/s/ Stephen L. Borrello

/s/ William B. Murphy

/s/ Michael J. Kelly