

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

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In the Matter of DIAMOND LATRICE SLATER,  
DESMOND LAMAR SLATER, DAIZSHA  
LANAE SLATER, DARMON LAVAR SLATER,  
and DA'LYSHA LANICE SLATER, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SHAMONA LATRICE SLATER,

Respondent-Appellant,

and

DAMON LAVELL SLATER,

Respondent.

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UNPUBLISHED  
September 20, 2007

No. 275621  
Wayne Circuit Court  
Family Division  
LC No. 91-291110-NA

Before: Schuette, P.J., and Hoekstra and Meter, JJ.

PER CURIAM.

Respondent<sup>1</sup> appeals as of right from the trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm.

**I. FACTS**

The Slater family has been involved with Protective Services since 1991. The first neglect petition was filed because Daniel Slater, then seven months old, weighed only eight pounds and was diagnosed as failure to thrive. Daniel, Dantrelle, and Damon Slater were made

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<sup>1</sup> Respondent Damon Slater is not a party to this appeal. Therefore, all references to "respondent" refer to Shamona Slater only.

temporary court wards, but the family was reunited in July 1992, and the court terminated its jurisdiction on April 2, 1993.

A second neglect petition was filed in 1999, seeking wardship over Damon, Daniel, Darniesha, Diamond, Daizsha, and Desmond<sup>2</sup> because of environmental neglect, physical abuse, and substance abuse. Specifically, the children were sent to school unbathed and with dirty clothing, the home that the family was living in was found to be without water for four months and with minimal food, respondent allegedly bit Damon on the back of his head, and respondent tested positive for marijuana.

On March 10, 2000, the petition was adjudicated, and the children were once again made temporary wards of the court. The court adopted a Parent-Agency Treatment Plan and Service Agreement (agreement) and entered dispositional orders designed to reunify the family. According to the agreement, respondent was required to: (1) maintain suitable housing; (2) maintain a legal source of income; (3) attend individual, family, and substance abuse counseling; (4) attend parenting classes; (5) attend weekly visitations with her children; (6) participate in weekly drug screens; and (7) maintain weekly communication with her assigned social worker.

After several months of services, respondent began complying with the agreement, and on June 14, 2002, the family was once again reunited.

At a dispositional hearing on December 10, 2003, petitioner recommended that the case be dismissed as to all of the Slater children except Damon. However, at respondent's request,<sup>3</sup> the court continued jurisdiction. On February 4, 2004, Da'Lysha Slater was born, testing positive for marijuana.

In February 2005, the children were once again removed from respondent's care when she left her three youngest children at the shelter where she was residing because she had lost her housing. However, that petition was dismissed on June 2, 2005, when the children's father, Damon Slater, came forward to take care of the children. The four older children—Damon, Daniel, Darneisha, and Desmond—were returned to their father. But he was also unable to maintain housing and the children were first placed with fictive kin,<sup>4</sup> and then eventually returned to petitioner's care.

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<sup>2</sup> Dantrelle Slater was not listed on this petition because he died from an accidental hanging in 1994. Darmon and Da'Lysha Slater are not listed because they were born after the petition was filed.

<sup>3</sup> Respondent had recently separated from the children's father, she was pregnant, and she wanted to continue with counseling.

<sup>4</sup> Fictive kin is defined as “[a] term used to refer to individuals that are unrelated by either birth or marriage, who have an emotionally significant relationship with another individual that would take on the characteristics of a family relationship.” Adoption Glossary, <http://glossary.adoption.com/fictive-kin.html> (accessed September 7, 2007).

Between June 2005 and March 2006, respondent did not appear for court proceedings and visited her children very sporadically.<sup>5</sup>

On April 19, 2006, a permanent custody petition was filed as to the five younger children: Diamond, Desmond, Diaszha, Darmon, and Da'Lysha. At trial, the court heard testimony from foster care workers, the children's therapist, Diamond, and respondent, regarding this family's extensive involvement with Protective Services. After closing arguments, the court terminated respondent's parental rights under MCL 712A.19(b)(3)(c)(i) and MCL 712A.19(b)(3)(g), stating that those statutory grounds had been proven by clear and convincing evidence. Further, the court concluded that termination of respondent's parental rights was clearly not against the children's best interests. Respondent now appeals.

## II. STATUTORY GROUNDS FOR TERMINATION

### A. Standard of Review

Termination of parental rights is appropriate where petitioner proves by clear and convincing evidence at least one ground for termination. *In re Trejo*, 462 Mich 341, 356; 612 NW2d 407 (2000). Once this has occurred, the trial court must terminate parental rights unless it finds that the termination is clearly not in the best interests of the child. *Id.* at 364-365. This Court reviews the trial court's findings under the clearly erroneous standard. MCR 3.977(J); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003). A finding is clearly erroneous if a reviewing court has a definite and firm conviction that a mistake was made, giving due regard to the trial court's special opportunity to observe the witnesses. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

### B. Analysis

MCL 712A.19b(3)(g) provides that termination of parental rights is appropriate when the parent "fails to provide proper care and 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." Respondent argues that the trial court erred in terminating her parental rights under MCL 712A.19b(3)(g) because there was a reasonable expectation that she would be able to provide proper care and custody for her children within a reasonable time when her application for SER/Section 8 housing was approved, and when she qualified for Social Security Income (SSI) benefits. We disagree.

After six years of service, respondent still had no suitable housing or stable employment at the time of trial. While she was in compliance with all other aspects of the agreement at the time of trial, and she had applied for SER/Section 8 housing and SSI benefits, the trial court was required to consider all neglect hearings in this case as a single continuous hearing, *In re LaFlure*, 48 Mich App 377, 391; 210 NW2d 482 (1973), not just respondent's compliance at the

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<sup>5</sup> At a hearing on March 29, 2006, there was testimony that respondent had attended only 3 of 23 visits with her children. And at a hearing on May 8, 2006, there was testimony that she had attended 7 of 19 visits.

time of trial. In the six years that this case had been before the court, the children had been returned home twice, only to be put back in placement because respondent and the children's father were unable to maintain suitable housing. Further, respondent has not worked since 1990, she has not always complied with the drug-screening requirement of the agreement and, at times, has only visited the children sporadically. Given the numerous services provided to respondent in the six years of court intervention and her continued failure to comply with the agreement, the trial court was presented with clear and convincing evidence to support a finding that respondent would be unable to provide proper care and custody within a reasonable time given the age of the children. Accordingly, the trial court did not err in terminating respondent's parental rights under MCL 712A.19b(3)(g). Further, since only one statutory ground need be established to terminate parental rights, we need not address the trial court's determination on the other statutory grounds for termination under MCL 712A.19b(3)(c)(i). *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

### III. BEST INTERESTS OF THE CHILDREN

#### A. Standard of Review

Once a statutory ground for termination is established by clear and convincing evidence, the trial court must terminate parental rights unless termination clearly is not in the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 351. The trial court's decision on the best interests question is reviewed for clear error. *In re Trejo, supra* at 356-357.

#### B. Analysis

The evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. While the older children were closely bonded with the respondent and wanted to return to her care, a best interests determination is not based on what the children want, but rather on what is in their best interests. Here, the trial court properly concluded that the children needed stability in their lives. They had been in and out of foster care for six years and were at an age that permanent planning was essential. Therefore, the trial court did not clearly err in concluding that termination of respondent's parental rights was clearly not against the children's best interests.

Affirmed.

/s/ Bill Schuette  
/s/ Joel P. Hoekstra  
/s/ Patrick M. Meter