

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANDRE FREDERICK HARDEN
and BRITTANY LASHAE' SKINNER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BRENDA SKINNER,

Respondent-Appellant.

UNPUBLISHED

August 30, 2005

No. 258305

Wayne Circuit Court

Family Division

LC No. 90-284146-NA

Before: Saad, P.J., and Hoekstra and Markey, JJ.

PER CURIAM.

Respondent appeals the trial court's termination of her parental rights to two children under MCL 712A.19b(3)(b), (g), and (j). We affirm.

Respondent contends that the trial court clearly erred when it found that the petitioner established grounds for termination by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000).

In 2000, the children became temporary wards after one child was hit by a car while a relative was watching the children. At that time, the father, Andre Harden, Sr., was incarcerated on a drug conviction. The children entered foster care and respondent began to work on a parent agency agreement. Petitioner sought permanent custody of the children in July 2001, but the referee found insufficient evidence to support termination, and the trial court affirmed. Meanwhile, Harden was paroled in 2002 and respondent and Harden's visitations resumed after a long interruption. The children, who were bonded with respondent, had numerous problems in foster care and during efforts to reunify with their parents. However, the parents completed their parent agency agreements and the children returned to their home in October 2003. By May 2004, the agency considered recommending dismissal. However, Harden tested positive for cocaine and was ordered to resume weekly drug tests. Shortly thereafter, Harden was killed in a drug-related shooting. The children were riding in the same car as Harden and were also shot and injured.

Though respondent made some progress in addressing the problems that brought the children into care, she clearly failed to protect the children from harm. On the night of the shooting, respondent took the children to Harden at a known drug dealer's house. Respondent knew that Harden was associating with drug dealers and that he had tested positive for cocaine use. Previously, both children had been injured or abused when respondent left them with inappropriate caretakers. Respondent had a history of mental health problems including psychiatric hospitalizations and a suicide attempt, a domestic violence conviction, drug and alcohol abuse, outbursts and threats against agency workers, unemployment, and neglect of an older child. The trial court did not clearly err in finding sufficient evidence to terminate respondent's parental rights under MCL 712A.19b(3)(b), (g), and (j). The evidence showed that the children would likely suffer further harm if returned to respondent's custody.

Regarding the best interests of the children, at the time of the termination trial, the children continued to suffer from the loss of their father and the trauma of the shooting. Had respondent exercised appropriate care and heeded the obvious warning signs of Harden's involvement in drugs, the foreseeable and preventable injuries the children suffered could have been avoided. The children require a permanent, safe, stable home, which respondent is unable to provide. Accordingly, the trial court did not clearly err in terminating her parental rights to the children.

Affirmed.

/s/ Henry William Saad

/s/ Joel P. Hoekstra

/s/ Jane E. Markey