

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

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In the Matter of RHIANNAH MASSON, Minor.

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DEPARTMENT OF SOCIAL SERVICES,

Petitioner-Appellee,

v

ANNETTE THERESE SEARSON,

Respondent-Appellant.

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UNPUBLISHED  
September 2, 1997

No. 187640  
Genesee Probate Court  
LC No. 92-091383-NA

Before: Corrigan, CJ., and Michael J. Kelly and Hoekstra, JJ.

PER CURIAM.

Respondent appeals as of right the probate court order terminating her parental rights to her minor daughter under MCL 712A.19b(3)(c)(i), (c)(ii) and (g); MSA 27.3178(598.19b) (3)(c)(i), (c)(ii) and (g). We affirm.

The probate court did not clearly err in finding that petitioner established the statutory grounds for termination by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). In particular, MCL 721A.19b(3)(c); MSA 27.3178(598.19b) (3)(c) provides:

(3) The court may terminate the parental rights of a parent to a child if the court finds, by clear and convincing evidence, 1 or more of the following:

(c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the following

(i) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the age of the child.

(ii) Other conditions exist that cause the child to come within the jurisdiction of the court, the parent has received recommendations to rectify those conditions, the conditions have not been rectified by the parent after the parent has received notice, a hearing, and been given a reasonable opportunity to rectify the conditions, and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the age of the child.

Although we agree that there was not sufficient evidence to support the statutory grounds for subsection (3)(c)(i), the conditions that motivated the original petition having been rectified, we do not reach a similar conclusion as to subsection (3)(c)(ii). First, it was alleged in the petition that respondent was involved in a physically abusive relationship with her husband, who died during the pendency of this matter. After her husband's death, respondent allowed another physically abusive man to live in her home with her and her infant son, which resulted in incidents of violence that forced respondent and her son to flee their home for several days. The stipulation and agreement respondent executed with Protective Services had required her to maintain a stable home. Based on the evidence, we determine that the probate court did not clearly err in finding that respondent failed to comply with this requirement. Second, part of the stipulation and agreement directed respondent to inform her case worker of any significant events that may have affected the well-being of her minor daughter. The probate court did not clearly err in finding that respondent failed to inform her case worker she had allowed her physically abusive boyfriend to move in with her, which could have significantly impacted her daughter's well-being. Third, additional clear and convincing evidence supports the probate court's finding that respondent failed to adhere to the terms of the stipulation and agreement that required her to fully submit to her mental health treatment and medication schedule.

Although respondent was afforded a reasonable opportunity to correct her shortcomings, she did not, and there remained no reasonable likelihood that the conditions would be rectified within a reasonable time considering the age of her minor child. Respondent has further failed to show that termination of her parental rights was clearly not in the child's best interest. *In re Hall-Smith*, 222 Mich App 470, 473; 564 NW2d 156 (1997). Lastly, the record does not support respondent's assertion that the probate court improperly considered or compared the foster home over respondent's home in deciding to terminate respondent's parental rights. Accordingly, we find that the probate court did not err in terminating respondent's parental rights to her minor daughter. MCL 712A.19b(5); MSA 27.3178(598.19b)(5).

Affirmed.

/s/ Maura D. Corrigan

/s/ Michael J. Kelly

/s/ Joel P. Hoekstra