

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
January 5, 2012

In the Matter of TALAMANTEZ, Minors.

No. 303407
Kent Circuit Court
Family Division
LC Nos. 09-051854-NA
09-051855-NA

Before: HOEKSTRA, P.J., and K. F. KELLY and BECKERING, JJ.

PER CURIAM.

Respondent mother appeals as of right from the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence and that termination is in the best interests of the children. MCL 712A.19b(5); *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). The trial court's decision terminating parental rights is reviewed for clear error. MCR 3.977(K); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *Sours*, 459 Mich at 633. A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003); *In re Miller*, 433 Mich 331, 337; 455 NW2d 161 (1989). Regard is to be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it. MCR 2.613(C); MCR 3.902(A); *Miller*, 433 Mich at 337.

We conclude that termination of parental rights was proper under MCL 712A.19b(3)(c)(i) and (g). By the time of the termination hearing, respondent had not demonstrated an ability to care for her children by maintaining stable housing and avoiding illegal drugs, the conditions that led to adjudication. She also failed to report her daughters' sexual abuse and minimized the incidents. She was without stable housing, having been evicted from her apartment in October 2010. Respondent also never completed therapy designed to assist her in recognizing the effects of sexual abuse on her children and improving her ability to parent. Although respondent argues that she was doing well on her treatment plan, the evidence does not support this assertion. Thus, the trial court did not clearly err when it found that the conditions that led to the adjudication continued to exist, that respondent was unable to provide proper care and custody,

and that there was no reasonable expectation that either condition would be rectified within a reasonable time considering the children's ages.

We also conclude that termination of parental rights was appropriate under MCL 712A.19b(3)(j). Respondent's ongoing substance abuse posed a serious risk of harm to the children. Further, because respondent failed to complete therapy that would assist her in recognizing the effects of sexual abuse on her children, there is no evidence that she could protect the children from sexual predators in the future. A parent must benefit from the services offered so that he or she can improve parenting skills to the point where the children would no longer be at risk in the parent's custody. *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005), superseded in part on other grounds *In re Hansen*, 285 Mich App 158, 163; 774 NW2d 698 (2009), vacated on other grounds 468 Mich 1037 (2010). Thus, the trial court did not clearly err when it found that the children would be exposed to a risk of harm in her care.

Finally, we conclude that the trial court did not clearly err in its best-interest determination. In this case, termination of parental rights was in the best interests of the children given that respondent was unable to provide them with stability due to her drug addiction. Moreover, it is in the children's best interests to be with a caregiver who can provide for their basic needs, and there was no evidence that respondent has the capacity or disposition to do so.

Despite respondent's assertions about the importance of the bond she had with the children, that bond alone does not provide justification to maintain the relationship. This bond will not protect the children from substance abuse or make sure they receive proper care. "If a parent cannot or will not meet her irreducible minimum parental responsibilities, the needs of the child must prevail over the needs of the parent." *In re Terry*, 240 Mich App 14, 28; 610 NW2d 563 (2000) (quotations omitted). The children were in need of permanence and stability, and given respondent's inability to achieve either in the near future, termination of parental rights was the only feasible option for achieving these goals. Thus, the trial court did not err in terminating respondent's parental rights.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Kirsten Frank Kelly
/s/ Jane M. Beckering