

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
October 18, 2012

In the Matter of LAMPLEY/SMITH/JOHNSON,
Minors.

No. 309357
Wayne Circuit Court
Family Division
LC No. 10-493594-NA

In the Matter of M. A. A. JOHNSON, Minor.

No. 309880
Wayne Circuit Court
Family Division
LC No. 10-493594-NA

Before: O'CONNELL, P.J., and DONOFRIO and BECKERING, JJ.

PER CURIAM.

In these consolidated appeals, respondent appeals by right the trial court orders terminating her parental rights to four of her children under MCL 712A.19b(3)(a)(ii), (c)(i), (g), (j), and (k)(i), and to a younger child under MCL 712A.19b(3)(g), (i), (j), and (l). We affirm.

This Court reviews the trial court's factual findings for clear error. MCR 3.977(K); *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010). A finding of fact is clearly erroneous if the reviewing court is left with a definite and firm conviction that a mistake was made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003). The Court may affirm a termination of parental rights when the trial court properly determined the existence of at least one statutory ground for termination. *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Respondent's children were removed from her custody after she left them in the care of the father of the oldest child. While the children were in the father's care, respondent's infant son suffered a second-degree burn on his foot. The father's explanation of how the burn occurred was not credible. A Child Protective Services (CPS) worker informed respondent not to leave the children in the father's care. However, within the next week, a CPS worker found the children again in the father's care. In addition, respondent had missed two medical appointments for the infant.

The ensuing child protective proceedings lasted for more than a year and a half. The record of those proceedings contains sufficient evidence to support the trial court's termination

decision on at least three statutory grounds for the older children and at least two grounds for the youngest child. For the older children, the conditions that led to adjudication continued to exist, and there was no reasonable likelihood that the conditions would be rectified in a reasonable time (MCL 712A.19b(3)(c)(i)). Respondent had failed to provide proper care for all of the children, and there was no reasonable expectation that she would be able to provide proper care within a reasonable time (MCL 712A.19b(g)), and there was a reasonable likelihood that the children would be harmed if returned to respondent (MCL 712A.19b(j)).

The record demonstrates that throughout the proceedings respondent substantially failed to comply with her treatment plan, which required her to maintain suitable housing, have a legal income, and participate in therapy. Respondent lacked consistent confirmable income and failed to document suitable housing. Petitioner referred respondent to therapy several times between December 2010 and October 2011, but respondent failed to follow through with contacts from therapists. Respondent eventually complied with a therapy referral a few months before the termination hearing, but her progress toward reunification with her children was significantly delayed by her failure to take advantage of earlier offers of therapy. The testimony at the termination hearing established that respondent had been, and continued to be, unable to provide proper care for the children, and that respondent was unlikely to be able to provide proper care within a reasonable time given the children's relatively young ages. Moreover, respondent's inability to document her claims of income and housing, and her apparent lack of commitment to therapy, indicate that the children were likely to be harmed if returned to her care.

Having determined that the trial court properly found sufficient statutory grounds to terminate respondent's parental rights under MCL 712A.19b(3)(c)(i), (g), and (j), we need not consider the alternate statutory grounds for termination. See *Powers*, 244 Mich App at 118.

Affirmed.

/s/ Peter D. O'Connell
/s/ Pat M. Donofrio
/s/ Jane M. Beckering