

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of D. L. LUFT, Minor.

UNPUBLISHED
October 10, 2013

No. 315210
Lenawee Circuit Court
Family Division
LC No. 11-000072-NA

Before: M. J. KELLY, P.J., and WILDER and FORT HOOD, JJ.

PER CURIAM.

Respondent appeals by right the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (3)(g), and (3)(j). We affirm.

Jurisdiction was established by admissions made by respondent to allegations contained in the petition. She admitted that the minor child was observed with a small black mark under his eye, and a bone scan at the hospital revealed rib fractures and a leg fracture. A case service plan was prepared, and respondent participated in services. However, petitioner's witnesses testified that respondent was unstable, failed to regularly take her medications, participated in but did not benefit from parenting classes, and threatened the foster mother. She failed to provide proof of employment, failed to obtain and maintain suitable housing, failed to regularly screen for drugs, and tested positive for drugs. Although the minor child came into care because of injury, respondent gave various explanations of the cause. On the contrary, respondent testified that she complied with the services offered and gained insight as a result of the classes. She claimed that she had suitable employment and housing and provided that information to petitioner. The trial court found that the grounds for termination were established and that termination was in the minor child's best interests.

"A petitioner must establish by clear and convincing evidence at least one statutory ground for termination of parental rights." *In re Hudson*, 294 Mich App 261, 264; 817 NW2d 115 (2011). We review the trial court's factual findings for clear error. MCR 3.977(K); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003). "When reviewing the trial court's findings of fact, this Court accords deference to the special opportunity of the trial court to judge the credibility of the witnesses." *In re Fried*, 266 Mich App 535, 541; 702 NW2d 192 (2005). Once the court finds a statutory basis for termination, it shall order termination of parental rights if it finds that termination is in the child's best interests. MCL 712A.19b(5). A trial court may consider the entire record when evaluating the child's best interests. *In re Trejo Minors*, 462 Mich 341, 356; 612 NW2d 407 (2000).

In light of the record, the trial court appropriately concluded that the conditions that led to adjudication continued to exist and there was no reasonable likelihood that the conditions would be rectified within a reasonable time considering the child's age. MCL 712A.19b(3)(c)(i). It is not enough that a parent physically comply with the terms of a parent/agency agreement or case service plan in a child protective proceeding. *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005) superseded by statute on other grounds. "[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." *Id.* Jurisdiction over the minor child was taken because of multiple fracture injuries. Respondent offered different reasons for the injury, contending that the minor child hit himself with a rattle and then asserting that the minor child was injured when playing with an older sibling. Although respondent engaged in services, she did not benefit and incorporate the practices learned. During visitation, she failed to redirect the minor children¹ and resorted to yelling. Although respondent claimed that she obtained employment and housing, petitioner's witnesses testified that she failed to acquire housing suitable for the child and did not provide verification of employment. The trial court rejected the testimony by respondent and found that the testimony offered by petitioner's witnesses was credible. Additionally, respondent's volatile behavior and threats directed toward the foster mother indicated that there was a reasonable likelihood that the child would be harmed if returned to respondent's care. MCL 712A.19b(3)(j). Even respondent's brother reported respondent's threat against the foster mother to the police. Accordingly, the trial court did not clearly err in terminating respondent's parental rights. *Hudson*, 294 Mich App at 264.

The trial court also did not clearly err in concluding that termination was in the minor child's best interests. MCL 712A.19b(5); *Trejo Minors*, 462 Mich at 356. Petitioner's witnesses testified that respondent would not benefit from additional services. She failed to regularly take her medication for her psychiatric disorder, continued to engage in substance abuse, failed to gain insight into the cause of the child's injuries and how to prevent injury in the future, and failed to provide proof of employment and suitable housing. Termination was in the minor child's best interests because of the need for permanency, stability, and finality. *In re Olive/Metts Minors*, 297 Mich App 35, 42; 823 NW2d 144 (2012).

Affirmed.

/s/ Michael J. Kelly
/s/ Kurtis T. Wilder
/s/ Karen M. Fort Hood

¹ An older sibling was placed in the care of a relative and is not at issue in this appeal.