

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of RANCE, Minors.

UNPUBLISHED  
February 25, 2014

No. 317491  
Saginaw Circuit Court  
Family Division  
LC No. 06-030738-NA

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Before: O'CONNELL, P.J., and WILDER and METER, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's order terminating her parental rights to two children. We affirm.

Respondent argues that petitioner failed to meet its burden of establishing by clear and convincing evidence that termination was proper under MCL 712A.19b(3)(c)(i), (3)(g), (3)(i), and (3)(j).<sup>1</sup> Respondent argues that petitioner made insufficient efforts to provide respondent with services or to reunite respondent with her children and that respondent could have provided proper care and custody for the children within a reasonable time.

We review for clear error a trial court's finding that grounds for termination have been proven by clear and convincing evidence. *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010). "A finding is clearly erroneous if although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *Id.* (internal quotation marks and citations omitted). To be clearly erroneous, a decision must be more than maybe or probably wrong. *In re Williams*, 286 Mich App 253, 271; 779 NW2d 286 (2009).

To terminate parental rights, there must be clear and convincing evidence to establish at least one statutory ground for termination. *In re Powers*, 244 Mich App 111, 117; 624 NW2d 472 (2000). If the trial court improperly terminates on one statutory ground, the error is harmless as long as the court properly found another statutory ground for termination. *Id.* at 118.

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<sup>1</sup> Respondent misstates the grounds cited by the trial court. According to the transcript of the termination hearing, the court based termination on subsections (3)(i), (3)(j), and (3)(l).

The trial court explained that termination was proper under MCL 712A.19b(3)(i) and (3)(l), because of prior terminations and unsuccessful efforts to rehabilitate respondent in the past. Specifically, the trial court found:

The first is 712A.19b(3)(i), parental rights to one or more -- in this case, more -- siblings of the child have been terminated due to serious and chronic neglect and prior attempts to rehabilitate the parents have been unsuccessful. Much of the, I think it's second and third page, of this petition indicate the prior efforts that were made with [respondent's] children and the services that were provided to her before termination occurred as far as the other children are concerned. Those efforts were indeed unsuccessful and all led to termination, so (i) is applicable.

Also applicable here is 712A.19b(3)(l). All that section requires is that the parent's rights to another child were terminated as a result of proceedings under Section 2(b) of this Chapter or similar laws of another state. Her rights have been terminated to more than one child under Section 2(b) of this Chapter. That's what all those prior termination issues were.<sup>[2]</sup>

Regarding subsections 3(i) and 3(l), respondent does not address these grounds, but instead focuses on how she should have been offered more services and time to demonstrate that she could improve her parenting. However, MCL 712A.19b(4) states that a court may enter an order terminating parental rights at the initial dispositional hearing. Further, MCL 712A.19b(5) states:

If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and *order that additional efforts for reunification of the child with the parent not be made.* [Emphasis added.]

In the initial petition, petitioner did indeed request that respondent's parental rights be terminated. In addition, the record reveals that respondent did not participate in services that *were* offered, such as individual counseling and visiting nurses. Respondent had also decided to stop taking her schizophrenia medication. There is no indication that further services would have been of any benefit. Finally, neither subsection (3)(i) nor subsection (3)(l) contains language indicating that the court must find a reasonable likelihood that the dangerous conditions will not be rectified within a reasonable time. Cf. MCL 712A.19b(3)(c)(i), (3)(g), and (3)(h).

The trial court properly took judicial notice of the prior termination files and concluded that prior attempts at rehabilitation had failed. The prior files indicated that respondent had her parental rights to several other children terminated. Prior services offered to respondent included "Teen Parent, Community Mental Health counseling, medication reviews, ARC services, Strong Families/Safe Children, Al-Anon, [and] psychological evaluations." Respondent had a history of

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<sup>2</sup> The court later indicated that subsection (3)(j) had also been established.

refusing services and did not benefit from the services offered. Therefore, there was sufficient evidence for the trial court to terminate under MCL 712A.19b(3)(i). Moreover, because respondent had her parental rights to numerous other children terminated, the ground for termination in MCL 712A.19b(3)(l) was also established. The trial court did not err in finding that at least one ground for termination existed.

Next, respondent argues that the trial court erred in determining that termination of her parental rights was in the children's best interests. We disagree.

We review for clear error the trial court's determination that termination is in the best interests of the child. *In re Jones*, 286 Mich App 126, 129; 777 NW2d 728 (2009). The trial court may consider the child's needs for permanency, stability, and finality when making the best-interests determination. *In re Olive/Metts*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012). The trial court may also consider the bond between the child and the parent, the parent's ability to parent, and any advantages of a foster home over the parent's home. *Id.*

The trial court acknowledged that respondent would not intentionally harm the children. However, respondent was refusing services, had a long history of involvement with the Department of Human Services (DHS) and refusal of services, and had admitted that she had untreated mental-health issues. A DHS worker testified that initially respondent agreed to services and appeared compliant, but then a few weeks later claimed to have no idea who the worker was and refused to comply with services. The pediatrician for one of the children said that sometimes respondent made sense and sometimes she did not. Respondent was arrested at a hospital after being told not to come back. Respondent admitted to being arrested, but denied being told not to come back and said the charges had been dismissed. However, the charges were not dismissed and were reduced to a fine as the result of a plea deal. This further demonstrated that respondent was unstable and appeared to have a skewed perception of reality.

Respondent's untreated mental-health issues created a concern about her ability to remain stable and to parent appropriately. Although respondent maintained a clean and appropriate home, she benefited very little from parenting classes and there was little indication that she could parent the current two children meaningfully better than the others who had been permanently removed from her care. The children need to have stability and appropriate parenting, and the trial court did not err in determining that termination was in the children's best interests.

Affirmed.

/s/ Peter D. O'Connell

/s/ Kurtis T. Wilder

/s/ Patrick M. Meter