

STATE OF MICHIGAN  
COURT OF APPEALS

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*In re* JACO/ROBINSON, Minors

UNPUBLISHED  
July 21, 2015

No. 323922  
Wayne Circuit Court  
Family Division  
LC No. 08-479589-NA

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Before: FORT HOOD, P.J., and SAAD and RIORDAN, JJ.

PER CURIAM.

Respondent-mother appeals as of right a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (i), and (l).<sup>1</sup> We affirm.

Respondent's child CJ was removed from the home in May 2008 because respondent was no longer willing to care for him. Respondent's children QJ, AJ, and KJ were removed from the home in September 2008 when it was discovered that QJ and AJ had been abused by respondent's boyfriend, a registered sex offender. Respondent's children RR-1 and RR-2 were removed at birth in October 2008 and October 2009, respectively. All children except CJ had been returned to respondent's care under court supervision by March 2011. However, they were removed again a few months later because respondent had physically abused RR-1. Termination proceedings were initiated. In October 2011, respondent voluntarily relinquished her parental rights to RR-1. In May 2013, the trial court determined that statutory grounds for termination of respondent's parental rights existed in regard to the other children, but that termination was not in the children's best interests. Respondent was provided with additional services, but due to her lack of progress, the court authorized the filing of another supplemental petition for termination in May 2014. Following a hearing, the court determined that statutory grounds for termination of respondent's parental rights existed and that termination was in the children's best interests.

On appeal, respondent argues that the trial court erred in finding that statutory grounds for termination were established and that termination was in the children's best interests. We disagree.

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<sup>1</sup> While trial court's ruling from the bench also referred to MCL 712A.19b(3)(m), the court did not include that ground in its termination order, which listed only MCL 712A.19b(3)(c)(i), (i), and (l) with respect to respondent.

“To terminate parental rights, a trial court must find by clear and convincing evidence that at least one statutory ground under MCL 712A.19b(3) has been established.” *In re Moss*, 301 Mich App 76, 80; 836 NW2d 182 (2013). “We review for clear error a trial court’s finding of whether a statutory ground for termination has been proven by clear and convincing evidence.” *Id.*; see also MCR 3.977(K). “A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court’s special opportunity to observe the witnesses.” *In re Laster*, 303 Mich App 485, 491; 845 NW2d 540 (2013) (citation omitted). MCL 712A.19b(3)(c)(i) provides that a trial court may terminate a respondent’s parental rights if at least 182 days have passed since the court issued the initial disposition order and the court finds by clear and convincing evidence that “[t]he 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 child’s age.”

The record supports the trial court’s decision to terminate respondent’s parental rights pursuant to MCL 712A.19b(3)(c)(i). The children were initially placed in care due to abuse and respondent’s failure to protect. Respondent claims that the trial court erred in finding that the conditions that led to the adjudications would not be rectified within a reasonable time because respondent had completed or at least participated in many of the recommended reunification services. The trial court found that respondent had “fulfilled a lot of things” and had been at least partially rehabilitated, but not to the extent the children could be safely returned to her care. The evidence supports the trial court’s conclusion. By the time of the second termination hearing, the children had been in care for several years. While respondent’s therapist indicated that respondent had made progress, respondent had not completed the goals of therapy. Specifically, respondent was only “beginning to accept responsibility for her role in having her children removed from her care,” even though the children had been removed for several years. The foster care worker further testified that while respondent had benefited generally from therapy, she had not addressed the issues for which she was referred. Further, respondent failed to take full advantage of unsupervised visitation and lacked suitable housing, which had been a consistent issue in the case. While respondent continued to participate in services, she must actually demonstrate a benefit from the services, which unfortunately, she had been unable to do. See *In re Frey*, 297 Mich App 242, 248; 824 NW2d 569 (2012). Given that length of time the children had been in care along with the fact that respondent was still unable to provide a safe and stable home for her children, the trial court did not clearly err in finding that the condition that led to adjudication was unlikely to be rectified within a reasonable time given the children’s ages.

The trial court did not err in finding that termination was proper pursuant to MCL 712A.19b(3)(c)(i). Because only one statutory ground for termination is necessary, *In re Frey*, 297 Mich App at 244, it is unnecessary to address MCL 712A.19b(3)(i) and (l).<sup>2</sup>

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<sup>2</sup> We note that it does appear that the trial court erred in terminating respondent’s parental rights pursuant to MCL 712A.19b(3)(i) and (l). While respondent voluntarily relinquished her rights to RR-I, the law is clear that MCL 712A.19b(3)(l) “only applies to a prior involuntary termination

Once a statutory ground for termination is established, the trial court shall order termination of parental rights if it finds by a preponderance of the evidence that termination is in the child's best interests. MCL 712A.19b(5); *In re Moss*, 301 Mich App at 90. The trial court's best-interest decision is also reviewed for clear error. MCR 3.977(K); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Respondent focuses on the fact that termination of her parental rights may end up severing the children's relationships with one another. Maintenance of sibling relationships is only one of many factors to consider. *In re Olive/Metts*, 297 Mich App 35, 42; 823 NW2d 144 (2012). Other factors include the child's bond to the parent, the parent's parenting ability, the parent's history of domestic violence, the parent's compliance with reunification services, the parent's visitation history with the child, the child's well-being while in care, the child's need for permanence, stability, and finality, and the advantages of a foster home over the parent's home. *Id.* at 41-42; *In re White*, 303 Mich App 701, 713-714; 846 NW2d 61 (2014). Here, the trial court found that termination was in the children's best interests for a variety of reasons, including the extensive damage suffered by the older children while in respondent's care, respondent's history of domestic violence, the children's lack of a bond to respondent and the "toxic" nature of respondent's relationship with QJ, AJ, and CJ, the length of time the children had been in care, the children's special needs, and respondent's lack of housing. The evidence presented at the hearing supported the trial court's finding, and the trial court did not err in holding that termination of respondent's parental rights was in the children's best interests.

Affirmed.

/s/ Karen M. Fort Hood  
/s/ Henry William Saad  
/s/ Michael J. Riordan

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under the Michigan juvenile code[.]” *In re Jones*, 286 Mich App 126, 128; 777 NW2d 728 (2009). Further, MCL 712A.19b(3)(i) requires that a parent's rights were terminated due to serious and chronic neglect or abuse. However, termination would have been appropriate pursuant to MCL 712A.19b(3)(m)(iii) (parent voluntarily relinquished parental rights to another child after proceedings were initiated under the juvenile code for severe physical abuse).