

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.M., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

HOLLY MORRIS,

Respondent-Appellant,

and

ANTONIO MORRISSETTE,

Respondent.

UNPUBLISHED
March 20, 2003

No. 243528
Saginaw Circuit Court
Family Division
LC No. 01-027008-NA

In the Matter of I.L.M.M., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

HOLLY MORRIS,

Respondent-Appellant,

and

DEONDRE LESTER,

Respondent.

No. 243529
LC No. 01-027007-NA

Before: Schuette, P.J., and Sawyer and Wilder, JJ.

PER CURIAM.

In these consolidated cases, respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The children were removed from respondent's care after A.M., who was a five-month-old infant at the time, sustained serious injuries, including multiple fractured ribs, a punctured lung, and internal bleeding. Respondent never provided a full explanation of how the child was injured, although at some point, respondent claimed the child was injured after she left the children in the care of the maternal grandmother, who in turn left them with a young male. The children remained in foster care, placed with A.M.'s paternal grandmother, for over a year before termination proceedings were held.

The evidence at the termination hearing showed that respondent failed to benefit from parenting classes and did not consistently cooperate with in-home counseling. In addition, a psychological evaluation showed that respondent had serious and longstanding issues with borderline personality traits. The psychologist that performed the evaluation testified that respondent would have difficulty protecting her children from individuals that posed a threat to them. Further, the evidence established that respondent returned the children following an extended visit over the Christmas holiday in a filthy condition and allowed contact among the children and Deondre Lester in violation of a court order.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Sours Minors*, 459 Mich 624; 593 NW2d 520 (1999); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993). Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights, unless the court finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). The trial court's decision is reviewed for clear error. *Id.* at 356-357. 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 Terry*, 240 Mich App 14, 22; 610 NW2d 563 (2000). To be clearly erroneous, a decision must be more than maybe or probably wrong. *In re Sours Minors*, *supra* at 633. In applying the clearly erroneous standard, this Court should recognize the special opportunity the trial court has to assess the credibility of the witnesses. MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Respondent does not challenge the trial court's findings under § 19b(3)(g). Because only one ground is required for terminating parental rights, we need not address respondent's arguments with respect to § 19b(3)(c)(i) and (j). In any event, we affirm the trial court on all three statutory grounds, finding no clear error on this record.

Respondent argues that she was not given assistance by the FIA to overcome her problems, citing *In re Newman*, 189 Mich App 61; 472 NW2d 38 (1991). We disagree. Respondent was given a full and fair opportunity to rectify the conditions leading to adjudication in this matter. Despite services that were provided, including parenting classes and the opportunity for in-home counseling, respondent was unable to demonstrate an ability to protect her children. The children continued to be at a risk of harm if returned to respondent, and it was not reasonably likely that she would rectify the conditions leading to adjudication within a reasonable time. We find that the trial court did not clearly err in finding that the statutory grounds were established by clear and convincing evidence. MCR 5.974(I); *In re Sours, supra* at 633; *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Further, the evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Bill Schuette
/s/ David H. Sawyer
/s/ Kurtis T. Wilder