

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED  
March 25, 2014

In the Matter of C. J. CRAWFORD, Minor.

No. 317200  
Macomb Circuit Court  
Family Division  
LC No. 2011-000297-NA

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

PER CURIAM.

Respondent appeals of right the trial court's order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j).<sup>1</sup> Because there were no errors warranting relief, we affirm.

Before terminating a respondent's parental rights, the trial court must find that at least one of the statutory grounds listed under MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Rood*, 483 Mich 73, 101; 763 NW2d 587 (2009). The trial court must order termination of parental rights if it also finds that termination is in the child's best interests. MCL 712A.19b(5). This Court reviews for clear error both a trial court's findings as to whether a ground has been proven by clear and convincing evidence and its decision regarding the child's best interests. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCR 3.977(K).

The Department of Human Services intervened to protect the child after police officers conducted a drug raid on respondent's home and arrested respondent and the child's father; the child was nearly 18 months old at the time. The Department alleged that respondent had not provided proper care and custody for the child. Respondent pleaded no contest to the allegations and the trial court ordered her to complete and benefit from a treatment plan.

The court did not clearly err when it found that respondent had not complied with or benefited from her treatment plan. The evidence showed that she did not complete or benefit from individual counseling, did not complete her parenting classes, did not remain sober—as

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<sup>1</sup> Contrary to respondent's claim, the trial court did not rely on MCL 712A.19b(3)(c)(ii).

shown by random drug screens, did not maintain stable, suitable housing, did not obtain a legal source of income, did not resolve outstanding criminal issues, and did not attend all court proceedings. It is not enough to merely go through the motions of a treatment plan; a parent must benefit from the offered services and acquire sufficient parenting skills so that a child is no longer at risk in the parent's custody. *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005).

Respondent had multiple referrals for services. She completed a psychological evaluation but failed to complete the individual therapy and random drug screens. She did not benefit from the completed parenting classes because she flatly refused to use the tools and techniques; rather, she insisted that she did not need to be told how to parent. She was inconsistent, had a difficult time controlling the child, and had to be redirected several times during supervised parenting time. She frequently yelled and would laugh when her child acted inappropriately instead of addressing his behavior. Respondent even had to be reminded to change her child's diaper. The foster parents further reported that the child acted out after his visits with respondent.

Critically, respondent was homeless and financially unstable throughout the proceedings. She also missed nearly all of the random drug screens. A case worker offered to meet her at a bus stop to drive her directly to drug screens, but respondent failed to show; she claimed that she had to work, although her work schedule showed that she was not working at that time. She failed to participate in hair follicle tests when the Department offered them. Respondent understood that missed screens would be treated as having a positive result. The trial court also heard persuasive testimony from the case worker that, despite support services, respondent's behaviors and life circumstances remained unchanged. On this record, and because we must defer to the trial court's superior ability to judge credibility and the weight to be afforded evidence, see MCR 2.613(C), we cannot conclude that the trial court erred when it found that the "conditions that led to the adjudication continue[d] to exist and there [was] no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age." MCL 712A.19b(3)(c)(i). Clearly, after more than 18 months of services, respondent was unable or unwilling to rectify the issues that brought her child before the court.

These proofs similarly satisfied the other statutory grounds for termination. At the termination hearing, respondent was homeless and had very limited income from a part-time job. She had a pending misdemeanor charge for uttering and publishing and faced possible incarceration. Also, she was given up to three months to pay \$500 in restitution and owed more than \$1500 for fines relating to the original drug charge. She had not made any payments on those amounts. Respondent admitted that she did not have a plan for the child if she went to jail. The case worker testified that the child would be at risk of harm if returned to respondent. Respondent remained unable to properly provide for her child with basic housing and keep him out of harm's way. Thus, the trial court did not clearly err when it found that the grounds stated under MCL 712A.19b(3)(g) and (j) had also been proved by clear and convincing evidence.

On appeal, respondent contends that termination was premature given respondent's substantial progress on her treatment plan. She asserts that there was no reason for the trial court to assume that she would not continue to improve her situation. Moreover, she notes that she was no longer living with the child's father, who had been the person selling drugs and putting

the child in harm's way. These arguments are unpersuasive. Particularly, respondent's claim that she was unable to participate in court-ordered services because of transportation issues is unfounded. There was ample evidence that she was provided with transportation assistance. She was regularly given bus tickets and case workers additionally offered to drive her to appointments. At the termination hearing respondent admitted that she did not tell the Department that she did not have enough bus tickets.

Respondent's claim that she had obtained adequate housing was equally unpersuasive; she merely stated that she had obtained permission to stay with a friend. Respondent left a transitional housing program that would have led to her eligibility for low-income housing. She was homeless, living at various shelters and with friends for more than a year. The evidence established that she also lacked appropriate parenting skills and could not lead a substance-free lifestyle. Respondent was referred to individual counseling twice and did not make progress with her therapy goals. The record clearly showed that there was no reasonable expectation that she would be able to provide proper care and custody to her child within a reasonable time considering his age. MCL 712A.19b(3)(g). Similarly, given respondent's inability to make progress in these areas, there was "a reasonable likelihood" that the child would be harmed if returned to respondent's care. MCL 712A.19b(3)(j).

Lastly, respondent argues that the trial court clearly erred in finding that it was in the child's best interests to terminate her parental rights. MCL 712A.19b(5). Respondent offered some proof that she was able to care for her child and loved him. However, she lacked housing, sufficient income, and basic parenting skills. Further, the child was doing very well in his foster home. He was bonded with his foster family and got along well with other children in the home. All of his needs were being met by the foster parents. A trial court may consider evidence on the whole record and may properly consider placement when making a best-interest determination. *In re Trejo*, 462 Mich at 356; *In re Foster*, 285 Mich App 630, 634-635; 776 NW2d 415 (2009). Based on a review of the entire record, the court did not clearly err in finding that termination of respondent's parental rights was in the best interests of the child.

There were no errors warranting relief.

Affirmed.

/s/ Michael J. Kelly  
/s/ Mark J. Cavanagh  
/s/ Karen M. Fort Hood