

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of SEARS, Minors.

UNPUBLISHED  
May 15, 2014

No. 319455  
Mason Circuit Court  
Family Division  
LC No. 12-000013-NA

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Before: MURPHY, C.J., and O'CONNELL and K. F. KELLY, JJ.

PER CURIAM.

Respondent-mother appeals by right the order terminating her parental rights to the minor children MLS, AJS, AAS, and JAS under MCL 712A.19b(3)(c)(i) (conditions of adjudication continue to exist), (c)(ii) (other conditions exist that could have caused the child to come within the court's jurisdiction and they have not been rectified), (g) (failure to provide proper care and custody), and (j) (reasonable likelihood of harm if child is returned to parent). We affirm.

Before terminating a parent's rights, the circuit court must find by clear and convincing evidence that one or more statutory ground for termination exists. MCL 712A.19b(3); *In re Olive/Metts Minors*, 297 Mich App 35, 40; 823 NW2d 144 (2012). We review the circuit court's determination for clear error. *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011). "A finding is clearly erroneous if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made." *In re HRC*, 286 Mich App 444, 459; 781 NW2d 105 (2009) (internal quotation omitted). If we conclude that the circuit court correctly found at least one statutory ground for termination, we need not consider other grounds on appeal. *Id.* at 461.

In this case, we conclude that the circuit court correctly found at least one statutory ground for termination by clear and convincing evidence. Termination was proper under MCL 712A.19b(3)(g) because respondent, without regard to intent, failed to provide proper care or custody for the children, and there is no reasonable expectation that respondent will be able to provide proper care and custody within a reasonable time considering the children's ages. This Court has previously held that termination under subsection (3)(g) was appropriate where the record established that the respondent "only minimally complied" with portions of the parent-agency agreement. *In re BZ*, 264 Mich App 286, 300; 690 NW2d 505 (2004).

Here, because respondent could not provide proper care, the three older children were removed from her care in February 2012, and the youngest child was removed from her care at birth. The record indicates that respondent remained unable to provide proper care throughout

the 20-month period of court supervision. Respondent's parent-agency agreement required her to attend individual counseling to address her personality disorder, participate in domestic violence services, obtain and maintain stable housing and employment, attend a parenting class, and work with a parent mentor. Respondent was not able to fulfill all of these requirements. The record establishes that respondent acquired part-time employment and continued to be employed at the time of termination. However, the counseling sessions respondent had attended were insufficient to address respondent's personality disorder. Further, respondent was involved in at least two instances of domestic violence throughout the proceedings; it was not until February 2013 that respondent ended the relationship that had been characterized by violence. Although respondent obtained housing, the housing had no heating, and her landlord was in the process of beginning eviction proceedings at the time of the termination hearing. In addition, despite working with a parenting mentor, completing a parenting class, and attending parenting time during the 20-month proceeding, respondent's parenting skills showed little improvement until the weeks leading up to termination. The record thus supports the circuit court's finding that respondent could not provide proper care and custody for the children. See MCL 712A.19b(3)(g).

Further, the record clearly establishes that there was "no reasonable expectation that the parent [would] be able to provide proper care and custody within a reasonable time considering" the children's ages. See MCL 712A.19b(3)(g). Respondent was diagnosed with a personality disorder, and a therapist testified that the disorder could be treated only through intensive, long-term therapy. The record establishes that respondent's prognosis was poor given the serious nature of the disorder. It was not until the end of September 2013 that respondent demonstrated commitment to consistently attending counseling. At the time of termination, all of the children were under age 5 and had been in care for nearly two years. Given the length of time that respondent would need to develop sufficient parenting skills, the circuit court reasonably concluded that the statutory ground for termination existed. Because we find no clear error in the circuit court's conclusion, at least one ground for termination existed, we need not consider the additional statutory grounds upon which the court based its decision. *In re HRC*, 286 Mich App at 461. Nevertheless, we have reviewed the other statutory grounds, and we conclude that termination was also appropriate under MCL 712A.19b(3)(c)(i), (c)(ii), and (j).

Next, respondent argues that the circuit court breached the duty established in *In re Olive/Metts*, 297 Mich App 35, "to decide the best interests of each child individually." We disagree. "[T]his Court's decision in *In re Olive/Metts* stands for the proposition that, if the best interests of the individual children *significantly* differ, the trial court should address those differences when making its determination of the children's best interests." *In re White*, 303 Mich App 701; \_\_\_ NW2d \_\_\_ (Docket No. 316749, issued January 16, 2014), slip op at 7. Therefore, a trial court does not clearly err if it "fails to explicitly make individual and—in many cases—redundant factual findings concerning each child's best interests." *Id.*, 303 Mich App at \_\_\_; slip op at 7. Here, while the record establishes that the three older children had special medical or educational needs and that the youngest did not, the record does not support that the children's best interests significantly differed with regard to termination. Rather, as found by the trial court, all four of the minor children required stability, safety, and an environment where they could progress and develop. The record supports the circuit court's conclusion that respondent could not provide the critically necessary environment at the time of termination. As

a result, the court did not clearly err when it addressed the children's best interests. See *In re White*, 303 Mich App at \_\_\_\_; slip op at 7.

Affirmed.

/s/ William B. Murphy  
/s/ Peter D. O'Connell  
/s/ Kirsten Frank Kelly