

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CASTILLIA COTTEN, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
November 1, 2005

Petitioner-Appellee,

v

VERONICA RATLIFF,

Respondent-Appellant,

No. 261648
Washtenaw Circuit Court
Family Division
LC No. 03-000064-NA

and

CASTILLIA COTTEN, SR.,

Respondent.

Before: Gage, P.J., and Hoekstra and Murray, JJ.

MEMORANDUM.

Respondent Veronica Ratliff appeals as of right from the trial court's order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

A review of the record discloses that the trial court did not clearly err in finding that §§ 19b(3)(c)(i) and (g) were both established by clear and convincing evidence. MCR 3.977(J); *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003). Respondent's compliance or lack of compliance with her treatment plan, while relevant, is not dispositive of whether a statutory ground for termination was proven. *In re JK, supra* at 214; *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005). Although respondent made progress with aspects of her treatment plan, there was ample evidence to support the trial court's determination that respondent's progress was slow and her housing situation unstable. Respondent acquired her apartment, with financial assistance, as the case was moving toward termination. After acquiring the apartment, she was continually behind in her rent and faced eviction. The trial court could reasonably infer from respondent's history and other evidence that the unstable housing situation that led to adjudication would continue to exist and was not reasonably likely to be rectified within a reasonable period of time considering the child's age. Respondent's reliance on *In re Boursaw*,

239 Mich App 161; 607 NW2d 408 (1999), overruled in part by *In re Trejo*, 462 Mich 341, 353-354, 612 NW2d 407 (2000), is misplaced. Although the trial court concurred in the caseworker's assessment of respondent, unlike in *In re Boursaw*, here the trial court's findings regarding the statutory grounds for termination were not based on conjecture. The evidence was sufficient to enable the trial court to find that §§ 19b(3)(c)(i) and (g) were both established by clear and convincing evidence.

Giving deference to the trial court's assessment of the weight and credibility of the evidence, we find no clear error in its evaluation of the child's best interests. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161. The evidence did not establish that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 354-357.

Affirmed.

/s/ Hilda R. Gage
/s/ Joel P. Hoekstra
/s/ Christopher M. Murray