

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRANDON KEVIN PETTIT,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

AMBERIA PETTIT,

Respondent-Appellant,

and

MICHAEL MIDDAUGH,

Respondent.

UNPUBLISHED
October 11, 2007

No. 277612
St. Joseph Circuit Court
Family Division
LC No. 04-000995-NA

Before: Jansen, P.J., and Fitzgerald and Markey, JJ.

MEMORANDUM.

Respondent-mother appeals by right the family court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.¹

To terminate parental rights, the family 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 Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993). "Once a ground for termination is established, the court must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000); see also MCL 712A.19b(5). We review the family court's findings for clear error, MCR 3.977(J); *Trejo, supra* at 356-357, and recognize the court's

¹ The parental rights of respondent-father, a convicted sex offender, have also been terminated. Respondent-father is not a party to this appeal.

special opportunity to weigh the testimony and to assess the credibility of the witnesses, *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Respondent-mother was herself in foster care when she gave birth to the minor child. The original petition alleged that respondent-mother, who was sixteen years old at the time, was incapable of providing proper custody and care for the child and that she was wholly dependent on others for food, shelter, and other essentials. Respondent-mother pleaded to the allegations contained in the petition, and the family court accepted her plea.

The proofs presented below indicated that respondent-mother was still unable to provide for the minor child at the time of termination. Even at the time of termination, respondent-mother was still immature, and remained completely dependent on others for food, clothing, and other essentials. She lacked any semblance of stable employment and was wholly without independent housing arrangements. Although more than 182 days had elapsed since the original dispositional order, respondent-mother still had not rectified these conditions or overcome her obstacles. The family court did not clearly err in determining that the statutory grounds contained in MCL 712A.19b(3)(c)(i) and (g) had been established by clear and convincing evidence.² MCR 3.977(J); *Trejo, supra* at 356-357.

Nor did the family court err in determining that termination was not clearly contrary to the child's best interests. MCL 712A.19b(5). As the family court concluded after taking extensive evidence in this matter, "[the child] needs stability and he cannot find that with a mother [he] is not bonded to." The court also concluded that the child's foster placement was a "stable environment," in which the child was "safe and thriving." As noted above, we defer to the family court's superior opportunity to weigh the testimony and to assess the credibility of the witnesses. *Miller, supra* at 337. We perceive no error in the court's determination that termination was not clearly contrary to the child's best interests. MCR 3.977(J); *Trejo, supra* at 356-357.

Finally, respondent-mother argues that termination was unjustified because petitioner erred by failing to timely reunify her with the child prior to termination proceedings in this case. She asserts that termination was caused not by her own actions, but rather by the inaction of petitioner. We acknowledge that petitioner must generally seek family reunification before seeking termination of parental rights. However, respondent-mother's argument in this regard is unavailing. Even if petitioner had immediately reunified the child and respondent-mother after the child's initial removal, there is no evidence that this would have assisted respondent-mother in rectifying the conditions that led to adjudication or in providing proper care and custody to the child. Even if petitioner had not delayed in reunifying respondent-mother with the child, termination still would have been warranted in this case. We will not reverse on the basis of

² Because there was clear and convincing evidence to support the family court's termination of parental rights under (c)(i) and (g), we decline to consider whether there was sufficient evidence to establish the statutory ground contained in (j). Only one statutory ground is required to terminate parental rights. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

harmless error that is not decisive to the outcome. See *In re Gazella*, 264 Mich App 668, 675; 692 NW2d 708 (2005); see also MCR 2.613(A).

Affirmed.

/s/ Kathleen Jansen
/s/ E. Thomas Fitzgerald
/s/ Jane E. Markey