

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
February 22, 2011

In the Matter of SMITH/HARRIS, Minors.

No. 299551
Wayne Circuit Court
Family Division
LC No. 07-472727

Before: SAAD, P.J., and K. F. KELLY and DONOFRIO, JJ.

MEMORANDUM.

Respondent mother appeals as of right from the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).¹ We affirm.

Respondent raises only one issue on appeal. She contends that the trial court erred by finding clear and convincing evidence to support a termination of her parental rights. We disagree. We review for clear error a trial court's determination that one or more statutory grounds for termination has been established. MCR 3.977(K); *In re Williams*, 286 Mich App 253, 271; 779 NW2d 286 (2009). "A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court's special opportunity to observe the witnesses." *In re BZ*, 264 Mich App 286, 296; 690 NW2d 505 (2004). A trial court properly terminates a respondent's parental rights if it finds that at least one of the statutory grounds for termination has been established by clear and convincing evidence and that clear and convincing evidence also supports the conclusion that termination is in the child's best interests. MCL 712A.19b(5); see *In re Jenks*, 281 Mich App 514, 516; 760 NW2d 297 (2008).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. The older child was removed from

¹ In her brief on appeal, respondent cites MCL 712A.19b(3)(c)(ii), but she was clearly referring to MCL 712A.19b(3)(c)(i), which served as a basis for the trial court's termination of her parental rights.

respondent's custody in September 2007 because of respondent's substance abuse, lack of stable and suitable housing, lack of financial support, and failure to properly parent the child. Following removal of the older child, respondent, who herself had been a court ward, minimally participated in services and failed to benefit from the services that were provided. She continued to test positive for marijuana and never obtained suitable housing or employment. She attended parenting classes, but failed to benefit from the classes. She also failed to attend the children's medical appointments even though both children have special needs and the younger child has several health issues that require treatment on a daily basis. Considering respondent's lack of stability and failure to successfully resolve the issues that led to the children's removal despite an opportunity to participate in services for more than two years, there was no reasonable likelihood that conditions which led to the original adjudication would be rectified and no reasonable expectation that she would be able to properly parent the children within a reasonable time. In addition, considering the children's special needs, there is a reasonable likelihood that the children would be harmed if returned to respondent's home. Accordingly, the trial court did not clearly err in terminating respondent's parental rights under MCL 712A.19b(3)(c)(i), (g) and (j).

Affirmed.

/s/ Henry William Saad

/s/ Kirsten Frank Kelly

/s/ Pat M. Donofrio