

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
June 21, 2012

In the Matter of K. VANDERMEER, Minor.

No. 307249
Kent Circuit Court
Family Division
LC No. 10-051893-NA

Before: DONOFRIO, P.J., and MARKEY and OWENS, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) (conditions of the adjudication continue to exist) and (g) (failure to provide proper care or custody). We affirm.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination has been met by clear and convincing evidence, and that termination is in the best interests of the child. MCL 712A.19b(5); *In re Sours*, 459 Mich 624, 632; 593 NW2d 520 (1999). Respondent only challenges the trial court's best interests determination, which we must review for clear error. See MCR 3.977(K); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). "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, 296-297; 690 NW2d 505 (2004).

In determining a child's best interests, a trial court may consider a variety of factors including the parent's history and compliance with treatment plans, the strength of the bond between the parent and child, the child's well-being while in care, the child's need for permanence and the possibility of adoption, and the length of time the child may be required to wait for the parent to rectify the conditions, which includes consideration of the child's age and particular needs. See *In re Jones*, 286 Mich App 126, 131; 777 NW2d 728 (2009); *In re BZ*, 264 Mich App at 301; *In re AH*, 245 Mich App 77, 89; 627 NW2d 33 (2001); *In re McIntyre*, 192 Mich App 47, 52-53; 480 NW2d 293 (1991).

Here, respondent struggled with drug abuse, emotional stability, maintaining employment, and criminal behavior. Over the course of the proceedings, she repeated a pattern of failing to benefit from services and remain sober. Although she had appropriate parenting skills and shared a bond with the child, even respondent conceded that the child should not have to wait for her to become sober to have permanency in his life. At the time of the termination

hearing, the child was almost two years old and had been out of respondent's care for over a year. He was doing very well in his placement. Given the child's young age and need for permanence and stability, and the length of time he might be required to wait for respondent to become sober and be able to provide him with a suitable, stable home, termination was in his best interests.

Affirmed.

/s/ Pat M. Donofrio
/s/ Jane E. Markey
/s/ Donald S. Owens