

STATE OF MICHIGAN
COURT OF APPEALS

In re K. T. PAGE, Minor.

UNPUBLISHED
December 30, 2014

No. 321210
Wayne Circuit Court
Family Division
LC No. 06-462120-NA

Before: DONOFRIO, P.J., and FORT HOOD and SHAPIRO, JJ.

PER CURIAM.

Respondent-mother appeals by right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) (conditions that led to adjudication continue to exist), (c)(ii) (other conditions exist that have not been rectified), (3)(g) (failure to provide proper care and custody), and (3)(j) (reasonable likelihood that the child will be harmed if returned to parent). Because the trial court did not clearly err by finding that statutory grounds to terminate respondent’s parental rights had been established by clear and convincing evidence and that termination was in the child’s best interests, we affirm.

A trial court may terminate a respondent’s parental rights if it finds that (1) a statutory ground under MCL 712A.19b(3) has been established by clear and convincing evidence and (2) termination is in the children’s best interests. MCR 3.977(F); *In re CR*, 250 Mich App 185, 194-195; 646 NW2d 506 (2001). “Only one statutory ground need be established by clear and convincing evidence to terminate a respondent’s parental rights, even if the court erroneously found sufficient evidence under other statutory grounds.” *In re Ellis*, 294 Mich App 30, 32; 817 NW2d 111 (2011).

Respondent argues that the trial court erred by finding that statutory grounds to terminate her parental rights to the child had been established by clear and convincing evidence.¹ We disagree.

¹ “This Court reviews for clear error the trial court’s ruling that a statutory ground for termination has been established and its ruling that termination is in the children’s best interests.” *In re Hudson*, 294 Mich App 261, 264; 817 NW2d 115 (2011). “A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made.” *Id.*

Under MCL 712A.19b(3)(c)(i), a trial court may terminate a respondent's parental rights if "[t]he conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age." When the trial court took jurisdiction over the child in the instant proceedings, several barriers to reunification were identified. Respondent was ordered to comply with a case service plan that included parenting classes, individual counseling, family therapy, domestic violence therapy, and weekly parenting time. Respondent was further ordered to obtain and maintain suitable housing and a legal income source, along with completing her GED and staying in contact with her caseworker. Later, after it was discovered that respondent was smoking marijuana, she was required to submit to random weekly drug screens and submit to a psychological evaluation.²

A review of the record reveals that, after more than 14 months of proceedings, respondent consistently failed to comply with her case service plan or make progress sufficient to allow the child to be returned to her care. She did complete some individual therapy and parenting classes. However, respondent never successfully obtained suitable housing or income during the proceedings, despite being referred to services seeking to accomplish those goals. She also twice tested positive for marijuana just days before the termination hearing. Respondent was referred to several services during these proceedings from which she was terminated due to noncompliance. On appeal, respondent primarily argues that she should be offered more time to demonstrate compliance. However, on two separate occasions, the trial court adjourned termination proceedings to give respondent additional time to demonstrate that she could properly care for the child. Despite this opportunity, respondent failed to engage in services. Respondent was given ample time, services, and resources to allow her to demonstrate substantial progress towards rectifying the conditions that led to the adjudication, other later-identified conditions, and to allow her to demonstrate that she could properly care for the child. But, she consistently failed to comply with these services and there was little indication that she would substantially comply in the future. Accordingly, the trial court did not clearly err by finding that statutory grounds to terminate respondent's parental rights had been established by clear and convincing evidence under MCL 712A.19b(3)(c)(i), (3)(c)(ii), and (3)(g).

Respondent also contends that there was no evidence that the child would be harmed if returned to her care because there was no evidence that she continued her relationship with her

² Respondent's drug use, discovered after the court exercised jurisdiction over the child, applies to termination under MCL 712A.19b(3)(c)(ii), which provides:

Other conditions exist that cause the child to come within the court's jurisdiction, the parent has received recommendations to rectify those conditions, the conditions have not been rectified by the parent after the parent has received notice and a hearing and has been given a reasonable opportunity to rectify the conditions, and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

former live-in partner who allegedly sexually abused her younger sister. However, respondent's refusal to cooperate with the investigation into that alleged abuse was consistent with the Clinic for Child Study (CCS) evaluation, which found that respondent's operational judgment was poor and that she had a history of becoming involved in precarious relationships with men. Respondent frequently relied on others, particularly men, for support and vaguely reported that she obtained money through "friends." The CCS evaluator concluded that respondent had a dependent personality disorder and was unable to make the connection between her poor choices and the subsequent sexual abuse of her sister. Indeed, when Child Protective Services investigated the allegation that respondent's live-in partner had sexually abused respondent's 12-year-old sister, respondent stated that she did not believe her sister because she was "fast" and "a liar," and, despite being her sister's legal guardian at the time, refused to take her for a sexual abuse examination and forensic interview. These facts, combined with the CCS evaluator's prognosis that respondent's ability to make and sustain significant changes to her life to properly care for and protect her child within a reasonable time was poor, justify the trial court's conclusion. MCL 712A.19b(3)(j).

Respondent also argues that the trial court clearly erred by finding that termination of her parental rights was in the child's best interests. "[T]he preponderance of the evidence standard applies to the best-interests determination." *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). "In deciding whether termination is in the child's best interest, the court may consider the child's bond to the parent, the parent's parenting ability, the child's need for permanency, stability, and finality, and the advantages of a foster home over the parent's home." *In re Olive/Metts*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012) (citations omitted).

In advancing this argument, respondent relies on the testimony of her caseworker, who stated that the child would suffer harm if her bond with respondent was disrupted. However, as noted above, a child's bond with her parent is one of several relevant factors for the trial court to consider. Although it was clear that respondent loved the child, the record indicates that respondent's bond was insufficient to incentivize her to follow through with her housing and employment referrals and refrain from drug use. At the time of termination, the child had spent more than half her life in foster care. The evidence indicates that she was in a safe, clean foster home and her current caregivers had expressed interest in adopting her. The child cannot wait indefinitely for parental reform, and respondent was provided ample time and opportunity to demonstrate progress toward rectifying that conditions that led to the child's removal. Accordingly, the trial court did not clear err by finding, by a preponderance of the evidence, that termination of respondent's parental rights was in the child's best interests.

Affirmed.

/s/ Pat M. Donofrio
/s/ Karen Fort Hood
/s/ Douglas B. Shapiro