

STATE OF MICHIGAN  
COURT OF APPEALS

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*In re* Q. T. WILLIAMS, Minor.

UNPUBLISHED  
July 21, 2015

No. 325339  
Saginaw Circuit Court  
Family Division  
LC No. 13-033813-NA

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*In re* A. H. ELLIOTT, Minor.

No. 325340  
Saginaw Circuit Court  
Family Division  
LC No. 13-033809-NA

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Before: FORT HOOD, P.J., and SAAD and RIORDAN, JJ.

PER CURIAM.

Respondent appeals the trial court's orders that terminated her parental rights to AE and QW under MCL 712A.19b(3)(c)(i) (failure to rectify conditions) and (g) (failure to provide proper care or custody). For the reasons stated below, we affirm.

I. FACTS AND PROCEDURAL HISTORY

On May 23, 2013, the Department of Human Services (DHS) filed a petition that sought temporary removal of the children from respondent's custody. The petition noted that respondent had: (1) medically neglected her son QT, to the point where he had untreated eczema and open sores on his face; (2) been charged with disorderly conduct twice in less than three weeks, and been involved in a physical altercation with another person while she held her one-year-old daughter AE in her arms; and (3) left AE home alone so she could take QT to school on multiple occasions. Respondent eventually pleaded no contest to an amended version of this petition, and the children were returned to her care so long as the children's grandmother lived in her home. However, less than one month later, respondent was arrested on a warrant and ultimately admitted that the children's grandmother was not living with her as required by the court order. DHS took custody of the children and placed them in foster care. At a hearing on September 23, 2013, the trial court emphasized that if respondent did not become "more engaged in what needs to be done [to care for the children] on a regular basis," she would lose custody of her children.

Over the next several months, respondent regularly participated in the mental-health and parenting-improvement services offered to her by the state. She also attended supervised parenting sessions. The services, however, did not improve respondent's behavior. In April 2014, respondent, according to her own testimony, was again arrested "for contempt of court" and "failure to stop at a stop light." In May and June of that same year, respondent participated in two physical altercations at her apartment complex, despite five months of state provided anger-management training. Respondent's continued impulse control issues also jeopardized her living arrangements: DHS indicated in court that if respondent continued to assault others, she faced eviction from her apartment.

In September 2014, DHS filed a petition that sought termination of respondent's parental rights, and the trial court held a termination hearing in November 2014. The court heard testimony from: (1) social workers who had worked with respondent; (2) a friend of respondent; and (3) respondent herself. Though respondent seemed to have a strong bond with AN and QW, she continued to have mental-health problems, impulse control issues, and a tendency toward violent behavior. As noted, respondent committed additional criminal acts in the period after DHS's initial petition, and was incarcerated multiple times during the pendency of her case. And, despite her effort to obtain formal employment, she remained unemployed throughout the entirety of the proceedings and possessed a meager income.

After the termination hearing, the trial court terminated respondent's parental rights pursuant to MCL 712A.19b(3)(c)(i) and (g), and then found that termination was in the best interests of the children. On appeal, respondent argues that the trial court erred when it: (1) terminated her parental rights under the relevant subsections of MCL 712A.19b; and (2) held that termination was in the children's best interests. DHS asks us to uphold the ruling of the trial court.

## II. STANDARD OF REVIEW

"We review for clear error both the court's decision that a ground for termination has been proven by clear and convincing evidence and, where appropriate, the court's decision regarding the child's best interests under MCL 712A.19b(5). *In re Olive/Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012). A trial court's decision is clearly erroneous when "the reviewing court . . . is left with the definite and firm conviction that a mistake has been made." *Id.* at 41. As such, "[t]o be clearly erroneous, a decision must be more than maybe or probably wrong." *In re Ellis*, 294 Mich App 30, 33; 817 NW2d 111 (2011). "When reviewing the trial court's findings of fact, this Court accords deference to the special opportunity of the trial court to judge the credibility of the witnesses." *In re Fried*, 266 Mich App 535, 541; 702 NW2d 192 (2005).

## III. ANALYSIS

### A. STATUTORY GROUNDS FOR TERMINATION

"[T]he petitioner for the termination of parental rights bears the burden of proving at least one ground for termination." *In re Trejo*, 462 Mich 341, 350; 612 NW2d 407 (2000). "The existence of a statutory ground for termination of parental rights must be proven by clear and convincing evidence." *In re LE*, 278 Mich App 1, 22; 747 NW2d 883 (2008).

A trial court may terminate parental rights under MCL 712A.19b(3)(c)(i) when “[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.” Termination is appropriate pursuant to MCL 712A.19b(3)(g) where “[t]he parent, without regard to intent, fails to provide proper care and custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child’s age.” Slow progress in services is sufficient evidence to satisfy this statutory ground. *Trejo*, 462 Mich at 362-363.

Here, the trial court properly terminated respondent’s parental rights under both MCL 712A.19b(3)(c)(i) and 712A.19b(3)(g). Respondent failed to provide proper care and custody for both children during all but approximately three weeks of the pendency of this action, during which time respondent violated the safety plan put in place by the court and DHS. Again, she medically neglected QT and placed AE in physical danger by assaulting another person while she held AE in her arms. And although respondent participated in the services to help her become a better parent and avoid such situations in the future, she clearly did not benefit from these services, as she persisted in her criminality and violent behavior. Nor was she able to obtain a job or become financially independent. For these reasons, several witnesses explained that unsupervised parenting time, much less the return of the children to respondent’s care, would not be possible in the near or long term. Indeed, according to her therapist, respondent would “need ongoing support [and] intervention” to properly raise the children.

Accordingly, the trial court correctly terminated respondent’s parental rights pursuant to MCL 712A.19b(3)(c)(i) and 712A.19b(3)(g).

## B. BEST INTERESTS

Whether termination is in the best interests of the child must be proved by a preponderance of the evidence. *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). The trial court may consider a variety of factors when it makes its determination, including the bond between the child and the parent, the parent’s ability to parent, the child’s need for permanency and stability, the advantages of a foster home over the parent’s home, the parent’s compliance with his or her service plan, the parent’s visitation history with the child, the children’s well-being, and the possibility of adoption. *In re White*, 303 Mich App 701, 713-714; 846 NW2d 61 (2014).

Here, the trial court noted that respondent had a strong bond with AE and QW. But the court also accurately observed that respondent’s behavior and general inability to parent created a chaotic social environment, and negatively affected her children’s emotional and mental well-being. A social worker testified that QW would “throw[] up” when strangers entered the home and “hide[] behind walls” to avoid her, and told the court that AE exhibited great stress by “pulling her hair out by the patches.” Other witnesses testified to the need to provide the children with permanence and stability in their home life as soon as possible. And, as noted, there is nothing in the record to suggest that respondent will be able to provide a proper home for the children within a reasonable time. We therefore affirm the trial court’s correct determination that termination of respondent’s parental rights is in the best interests of the children.

Affirmed.

/s/ Karen M. Fort Hood

/s/ Henry William Saad

/s/ Michael J. Riordan