

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AUTUMN HARTEGAN, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARTHA BARNER,

Respondent-Appellant.

UNPUBLISHED

May 10, 2005

No. 257937

Clinton Circuit Court

Family Division

LC No. 03-016419-NA

Before: Kelly, P.J., and Sawyer and Wilder, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(ii), (g), (j), and (m). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not clearly err in finding clear and convincing evidence to support termination of respondent's parental rights under subsections (c)(ii), (g), (j), and (m). MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 353; 612 NW2d 407 (2000). Failure to comply with a court-ordered treatment plan is evidence of failure to provide proper care and custody. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003); *Trejo, supra* at 360-361 n 16. Moreover, it is not sufficient to merely physically comply with the terms of a treatment plan. “[A]ttending parenting classes, but learning nothing from them and, therefore, not changing one's harmful parenting behaviors is of no benefit to the parent or child.” *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005).

In the present case, the evidence clearly and convincingly showed that respondent's situation and parenting skills did not improve to the point where Autumn would have been safe in her care. Respondent did not obtain independent housing, her parenting skills failed to change appreciably, and she exhibited several angry outbursts but did not admit the need for counseling. While she argues that more time and assistance should have been provided because of her limitations, there is no evidence that additional time and assistance would have made any difference. Respondent did not use the parenting suggestions provided by FIA workers and continued to be unable to control Autumn's behavior. Many years previously, respondent had relinquished custody to her son after termination proceedings began. Thus, subsection (m) was

clearly satisfied. On appeal, respondent has not challenged the termination of her parental rights to Autumn under either subsection (m) or (g). Failure to brief an issue constitutes abandonment of that issue on appeal. *Gazella, supra* at 679. Furthermore, only one statutory ground is required to terminate parental rights. *In re SD*, 236 Mich App 240, 247; 599 NW2d 772 (1999). Here, the evidence was sufficient under subsections (c)(ii), (g), (j), and (m).

We also find no clear error in the trial court's decision on the best interests issue. MCL 712A.19b(5); *Trejo, supra* at 353. Evidence of a strong bond between respondent and Autumn was lacking. Respondent had slapped the child in the head, left her with inappropriate caretakers, and was not able to provide a proper home for her. After visitations, Autumn's misbehavior in foster care increased. Autumn needs a safe, stable, loving home, which respondent is not able to provide. Termination of respondent's parental rights was not clearly contrary to Autumn's best interests.

Affirmed.

/s/ Kirsten Frank Kelly

/s/ David H. Sawyer

/s/ Kurtis T. Wilder