

STATE OF MICHIGAN
COURT OF APPEALS

In re ARCHER-YOUNGS/ ARCHER, Minors.

UNPUBLISHED
November 8, 2016

No. 332126
Wexford Circuit Court
Family Division
LC No. 2013-024821-NA

Before: SAWYER, P.J., and MARKEY and O'BRIEN, JJ.

PER CURIAM.

Respondent appeals by right the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (c)(ii), (g), (h), and (j). We affirm.

On appeal, respondent challenges both the determination that the statutory grounds for termination were established and the best interest determination. If a trial court finds that a single statutory ground for termination has been established by clear and convincing evidence and that it has been proven by a preponderance of the evidence that termination of parental rights is in the best interests of a child, the court is mandated to terminate a respondent's parental rights to that child. MCL 712A.19b(3) and (5); *In re Ellis*, 294 Mich App 30, 32-33; 817 NW2d 111 (2011); *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). 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 of parental rights is in the child's best interest. MCR 3.977(K); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). 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 was made. *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010).

The court may terminate a parent's parental rights under subsection (3)(c)(i) when

[t]he parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds [that] . . . [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. [MCL 712A.19b(3)(c)(i).]

The determination of what is a reasonable time properly includes both how long it will take for the parent to improve conditions and how long the child can wait for the improvement. *In re Dahms*, 187 Mich App 644, 647-648; 468 NW2d 315 (1991).

The principle conditions that led to adjudication were respondent's mental instability, her alcohol and drug abuse, and poor home conditions. The evidence established that respondent received numerous services to address her needs and parenting skills both before being sent to jail and while incarcerated. While respondent successfully completed the programs recommended by petitioner in the six-month period before the termination hearing, Dr. Grant Drake testified that while she had improved to some degree since February 2015, there were fluctuations in how she was doing and her mood disorder could be one of the more difficult psychiatric disorders to treat. Further, that the disorder was complicated by post-traumatic stress disorder (PTSD) made treatment more difficult. Respondent's failures while on probation and in a residential treatment program, as well as other failures that occurred both before and during her incarceration, militate against giving weight to respondent's gains in the previous six months since those gains occurred in the controlled environment of prison. As found by the trial court, the children have significant emotional and psychological issues of their own. While respondent's parenting skills have arguably improved through programs she attended while in prison, there is no evidence that she would be able to parent the minor children, both of whom suffer from reactive attachment disorder and PTSD, which requires intensive parenting involving skills she has not demonstrated. In view of this evidence, the trial court did not clearly err by finding that statutory grounds for termination existed under MCL 712A.19b(3)(c)(i). See *In re Frey*, 297 Mich App 242, 248; 824 NW2d 569 (2012) (where respondents failed to demonstrate sufficient compliance with or benefit from services specifically targeted to address the primary basis for the adjudication, the trial court did not clearly err by terminating parental rights).¹

Respondent next asserts that the trial court erred with respect to its best interests findings. In determining that the termination was in the children's best interests, the trial court noted that each expert testifying agreed that reunification with respondent would trigger trauma for the minor children and be detrimental to their well-being. In addition, they opined that the minor children required intensive therapy, constancy and the stability of a permanent home. Given that the preponderance of evidence showed that respondent struggled with her mood disorder and PTSD, failed on probation, was unsuccessfully discharged from a residential treatment program of her choosing, and lacked a track record of managing her psychiatric needs outside the controlled prison environment, the trial court did not clearly err by finding that termination of respondent's parental rights was in the children's best interests. *Ellis*, 294 Mich App at 32-33.

We affirm.

/s/ David H. Sawyer
/s/ Jane E. Markey
/s/ Colleen A. O'Brien

¹ "Because one statutory ground for termination was established by clear and convincing evidence, we need not consider whether the other grounds cited by the trial court also supported the termination decision." *In re Foster*, 285 Mich App 630, 633; 776 NW2d 415 (2009).