

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DYLAN MICHAEL SOBKOWSKI,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

VICTORIA PEDROTTE,

Respondent-Appellant,

and

RICHARD CLARKSTON,

Respondent.

Before: Neff, P.J., and White and D. A. Teeple*, JJ.

PER CURIAM.

Respondent Victoria Pedrotte (hereafter “respondent”) appeals as of right from the juvenile court order terminating her parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (c)(ii) and (g); MSA 27.3178(598.19b)(3)(a)(ii), (c)(ii) and (g). We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E).

The decision to terminate parental rights is reviewed for clear error. *In re Hall-Smith*, 222 Mich App 470, 472; 564 NW2d 156 (1997).

* Circuit judge, sitting on the Court of Appeals by assignment.

The juvenile court erred in finding that MCL 712A.19b(3)(a)(ii); MSA 27.3178(598.19b)(3)(a)(ii) applied because respondent sought custody of the child within the ninety-one day period specified in the statute. In addition, respondent did not “desert” the child simply because she did not write as often as she had been instructed and because the child did not respond well to her phone calls.

The error was harmless, however, because there were ample grounds for termination under MCL 712A.19b(3)(c)(ii); MSA 27.3178(598.19b)(3)(c)(ii). Respondent did not document full compliance with any of the court orders or conditions of the parent-agency agreement. See *In re Adrianson*, 105 Mich App 300, 321-322; 306 NW2d 487 (1981); *In re Pasco*, 150 Mich App 816, 821; 389 NW2d 188 (1986).

The same evidence supported termination pursuant to MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g). Failure to comply with the court orders and to attend parenting classes can be considered to the extent that such failures reflect on whether a parent is unable to provide a fit home for a child by reason of neglect. *In re Draper*, 150 Mich App 789, 801-802; 389 NW2d 179 (1986), vacated in part on other grounds 428 Mich 851; 397 NW2d 524 (1987). Respondent did not provide the juvenile court with any demonstration beyond her own assertion in a letter to the court that she was able to provide proper care and custody for the child within a reasonable time considering the age of the child.

MCL 712.19b(5); MSA 27.3178(598.19b)(5) indicates a mandatory, rather than a discretionary, termination of parental rights once a statutory basis is established unless the parent can show that termination would not be in the child’s best interest. *In re Hall-Smith, supra* at 472-473. In this case, respondent made no showing that termination would not be in the child’s best interest. Hence, having found that at least one ground for termination existed, the court was required to terminate respondent’s parental rights.

Affirmed.

/s/ Janet T. Neff
/s/ Helene N. White
/s/ Donald A. Teeple