

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of NARISSA DENISE LAWSON,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KIMBERLIE DENISE LAWSON,

Respondent-Appellant,

and

PARRISH GRASSEL,

Respondent.

UNPUBLISHED

December 19, 2000

No. 226913

Wayne Circuit Court

Family Division

LC No. 95-324789

Before: Bandstra, C.J., and Wilder and Collins, JJ.

PER CURIAM.

Respondent-appellant Kimberlie Lawson (respondent) appeals as of right from the order terminating her parental rights to Narissa Denise Lawson pursuant to MCL 712A.19b(3)(c)(i), (g), and (j); MSA 27.3178(598.19b)(3)(c)(i), (g), and (j). We affirm.

After thoroughly reviewing the record, we are satisfied that the circuit court did not clearly err in finding that statutory grounds for termination were established by clear and convincing evidence. *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993). This Court reviews the lower court's findings of fact for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). A finding is clearly erroneous when the reviewing court is left with the firm and definite conviction that a mistake has been made. *Jackson, supra* at 25. Once a statutory ground for termination has been met by clear and convincing evidence, termination of parental rights is mandatory unless the court finds, based on the entire record, that termination clearly is not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000).

Termination of parental rights is proper where the 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 age of the child. MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i). The conditions that led to the adjudication in this case were respondent's inappropriate parenting behaviors and her inability to care for the minor child on her own. In light of those conditions, her parent/agency treatment plan required, among other things, that she enroll in and complete parenting classes; demonstrate appropriate parenting techniques; visit the minor child on a regular basis; obtain and maintain safe, suitable housing for her and the minor child; and appear at all court hearings and follow all court directives. The court later required that respondent attend individual therapy and domestic abuse counseling.

While the evidence shows that respondent made serious efforts at complying with her treatment plan, the evidence also shows that her compliance was sporadic and that she fell significantly short in some respects. Respondent often failed to appear for scheduled visitation, or she declined to have the minor child visit at her home because she did not want her boyfriend, David Martin, to have to leave. Respondent also allowed Martin to stay in the home during some of her visits with the minor child, in violation of the circuit court's order and despite reports that the minor child was afraid of Martin. The minor child observed Martin using drugs and reported that he abused both her and respondent. The record further shows that respondent "covered" for Martin and instructed the minor child not to reveal that he was at the house when the minor child visited. Respondent moved out of the home she shared with Martin and into a domestic abuse shelter at one point because of Martin's abusive behavior. However, she insisted that she was not in need of therapy and failed to attend further domestic abuse counseling ordered by the court. Respondent also failed to follow up on referrals for housing for her and the minor child, and instead chose to live with Martin's aunt, whose home was large enough to accommodate respondent and her younger child, but not large enough to also accommodate the child at issue in this case.

Respondent's argument that her parent/agency treatment plan was not "workable," given her age, maturity, and personal history, is without merit. The record in this case provides clear and convincing evidence that compliance with her parent/agency treatment plan was necessary to improve respondent's neglectful behavior, *In re Mason*, 140 Mich App 734, 737; 364 NW2d 301 (1985), and respondent's failure to fully comply with the court-ordered requirements of her treatment plan is indicative of her continued neglect of the minor child. *Trejo, supra* at 360-361 n 16. The record shows that despite numerous services offered to respondent during the nearly five years that the minor child was in foster care, respondent did not demonstrate that she is able to care for the minor child on her own.

Accordingly, we do not believe that the circuit court clearly erred in finding clear and convincing evidence that there was no reasonable likelihood that the conditions that led to the initial adjudication would be rectified in a reasonable time given the age of the child. Moreover, the circuit court did not clearly err in concluding that termination of respondent's parental rights was clearly not in the minor child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *Trejo, supra* at 354.

Because only one statutory ground for termination must be established in order to terminate parental rights, we need not decide whether termination was also proper under subsections 19b(3)(g) and (j). MCL 712A.19b(3); MSA 27.3178(598.19b)(3); *Trejo, supra* at 360.

Affirmed.

/s/ Richard A. Bandstra
/s/ Kurtis T. Wilder
/s/ Jeffrey G. Collins