

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.M.S., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARGO SMITH,

Respondent-Appellant,

and

BRIAN SMITH,

Respondent.

UNPUBLISHED

August 16, 2002

No. 237267

Ingham Circuit Court

Family Division

LC No. 00-034690-NA

Before: Kelly, P.J., and Saad and Smolenski, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(c)(i), (c)(ii) and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination under §§ 19b(3)(c)(i) and (j) were established by clear and convincing evidence. MCR 5.974(I); *In re Trejo*, 462 Mich 341, 357-357; 612 NW2d 407 (2000). Because parental rights may be terminated if clear and convincing evidence establishes at least one statutory ground, we need not decide whether termination was proper under § 19b(3)(c)(ii). MCL 712A.19b(3).

MCL 712A.19b(3)(c)(i) provides that parental rights may be terminated if

[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.

Testimony indicated that, subsequent to the child's return to respondent's care in 1995, respondent failed to comply with the court's order regarding therapy and pediatrician visits.

Respondent continually failed to participate in therapy until the summer of 1999 and never fully complied with visitation. Also, according to her therapist, respondent was unable to provide a stable home for the child and, because of her own emotional problems, was unable to provide the critical emotional support and nurturing the child needed. Additionally, at the time of the termination trial, respondent lived with a man who had a prior conviction for domestic violence and she continued to put her own needs ahead of the child.

MCL 712A.19b(3)(c)(j) provides that parental rights may be terminated if

[t]here is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

Again, we note that respondent was living with a man who had a conviction for domestic violence, after divorcing the child's father who repeatedly abused respondent in front of their children, despite being warned by a caseworker that doing so jeopardized her chances of having the child returned to her care. Also, at least two therapists testified that because of her own emotional problems, respondent was incapable of parenting the child, thinking of her own needs before those of the child's.

Finally, there was clear and convincing evidence that termination of respondent's parental rights was not contrary to the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 354. Three therapists testified to the child's need for a stable and nurturing environment, something respondent was incapable of providing. Also, there was an apparent lack of a substantial bond between respondent and the child, and evidence that the child's behavioral issues became more pronounced after visits with respondent. Thus, we hold that the trial court did not clearly err in terminating respondent's parental rights.

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Henry William Saad
/s/ Michael R. Smolenski