

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of HALEY HASBROUCK, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

CINDY HASBROUCK,

Respondent-Appellant.

UNPUBLISHED

May 6, 2008

No. 281801

Monroe Circuit Court

Family Division

LC No. 06-019628-NA

Before: White, P.J., and Hoekstra and Smolenski, JJ.

PER CURIAM.

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

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination has been met by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). If a statutory ground for termination is established, the trial court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). Only one statutory ground need be proven to support a termination order. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000). The trial court's decision terminating parental rights is reviewed for clear error. MCR 3.977(J); *Trejo*, *supra* at 355-357. 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 has been made. *In re Miller*, 433 Mich 331, 337; 455 NW2d 161 (1989). Regard is to be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it. *Id.*

There was clear and convincing evidence to terminate respondent's parental rights under MCL 712A.19b(3)(c)(i). Respondent failed to challenge this statutory ground in her brief on appeal. Because this statutory ground was met, it was an appropriate basis for termination of respondent's parental rights. The court asserted jurisdiction over Haley based on respondent's arrest following a drug transaction. She was charged with possession of crack cocaine. Haley was a passenger in the car at the time of the sale and had not been properly restrained. Haley had

also been exposed to domestic violence between respondent and Hasbrouck and was not visited by respondent since being placed in protective care.

Respondent did not complete any of the elements of her treatment plan and even admitted to ignoring the foster care worker's programs and services. Although respondent had participated in some supportive services while incarcerated, she had not cooperated with petitioner prior to her incarceration and it is questionable whether she would cooperate following her release from prison. From January 2007 to June 2007, she could have started her treatment plan, but she made no efforts to do so. At the time of the termination hearing, respondent continued to be unable to provide independent housing and financial support for Haley and had not participated in drug treatment or demonstrated that she had overcome her substance abuse issues. Thus, termination under MCL 712A.19b(3)(c)(i) was appropriate.

Termination under MCL 712A.19b(3)(g) was also proper. Respondent was unable to provide suitable care for Haley. She never demonstrated that she had stopped abusing drugs or that she could maintain a stable lifestyle devoid of crime once she began living independently outside the correctional facility. Respondent also never obtained independent housing or employment with which she could support or shelter Haley. Because she made no effort to visit Haley, respondent was unable to demonstrate that she had suitable parenting skills. There was no evidence that respondent could provide proper care for Haley within a reasonable time.

Finally, the court did not err in terminating respondent's parental rights under MCL 712A.19b(3)(j). At the time of the adjudication, respondent demonstrated poor judgment by exposing Haley to drug dealers and drug use. Respondent continued demonstrating poor parental judgment when she minimized Hasbrouck's criminal history. Respondent told a caseworker a lot of "horrific" things about Hasbrouck, but also described him as a nice guy and said that if he got the help he needed, she believed they could work out their relationship. She said she would never keep Haley from respondent because he was her father. Respondent's continued involvement with Hasbrouck, who had been convicted of obscenity and attempting to distribute obscene matter to respondent's fifteen-year-old daughter, subjected Haley to the same risk of harm as her half sister.

Finally, the trial court did not clearly err in its best interests determination. There was no evidence in the record establishing that it was not in Haley's best interests to terminate respondent's parental rights. To the contrary, the evidence established there was no bond between respondent and Haley because Haley had not seen respondent since her removal in July 2006. In failing to comply with her treatment plan, respondent demonstrated that Haley was not her priority. Respondent's failure to seek reinstatement of visitation with Haley revealed that she did not value this opportunity for bonding with Haley.

Respondent argues that she was in the process of completing several beneficial programs while incarcerated and was on her way to recovery. While respondent participated in services offered by the correctional facility, she only engaged in these services when required by the criminal court as part of her sentence. Respondent put forth no efforts toward petitioner's treatment plan for nearly an entire year while Haley was outside her care. Furthermore, even if respondent fully complied with the treatment plan, her compliance alone would not have

supported a finding that termination of her parental rights was not contrary to Haley's best interests. *Trejo, supra at 356-357.*

Affirmed.

/s/ Helene N. White

/s/ Joel P. Hoekstra

/s/ Michael R. Smolenski