

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of VERONICA ANN JONES,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ELIZABETH BROWER,

Respondent-Appellant,

and

RICHARD LEACH,

Respondent.¹

UNPUBLISHED

June 24, 2008

No. 280739

Macomb Circuit Court

Family Division

LC No. 2006-000235-NA

Before: Servitto, P.J., and Cavanagh and Kelly, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i). We affirm.

Respondent contends that the trial court committed clear error in terminating her parental rights because she complied with the requirements of the parent/agency agreement. We disagree. We review for clear error a trial court's decision to terminate parental rights. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Respondent was still living with and planning a future with the child's stepfather, who had taken sexually inappropriate photographs of the minor child and had previously served probation for a plea regarding a misdemeanor charge of furnishing obscene materials to a minor. Respondent's decision to remain with the child's stepfather clearly demonstrates that she did not

¹ Richard Leach has not appealed the termination of his parental rights.

benefit from the services provided. *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005). The trial court did not commit clear error in finding that the conditions that led to the adjudication continued to exist and there was no reasonable likelihood that they would be rectified within a reasonable time. MCL 712A.19b(3)(c)(i).

Respondent also contends that the trial court committed clear error in finding that termination was not contrary to the child's best interests. We disagree. Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights, unless the court finds from evidence on the whole record that termination is contrary to the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000).

Respondent complied with the parent/agency agreement for the most part, and the evidence showed that she and the minor child were bonded. However, respondent remained with the stepfather in spite of his prior conviction and the current criminal charges regarding the inappropriate photographs of the minor child. Further, respondent's plans for reunification with the minor child included the stepfather. It was clear that respondent would not put the needs and safety of the minor child ahead of her own desires. Therefore, the trial court did not commit clear error in its best interests determination.

Affirmed.

/s/ Deborah A. Servitto
/s/ Mark J. Cavanagh
/s/ Kirsten Frank Kelly