

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TYRIA UNIQUE JONES, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

WILLIE LEE JONES,

Respondent-Appellant,

and

TAKISHA MONIQUE REID, a/k/a TAKISHA
MONIQUE JONES,

Respondent.

UNPUBLISHED

November 20, 2008

No. 284166

Kent Circuit Court

Family Division

LC No. 07-052250-NA

In the Matter of TYRIA UNIQUE JONES, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TAKISHA MONIQUE REID, a/k/a TAKISHA
MONIQUE JONES,

Respondent-Appellant,

and

WILLIE LEE JONES,

Respondent.

No. 284167

Kent Circuit Court

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LC No. 07-052250-NA

Before: Hoekstra, P.J., and Whitbeck and Talbot, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right the trial court's order terminating their parental rights to the minor child. Respondent-father's parental rights were terminated pursuant to MCL 712A.19b(3)(l), and respondent-mother's parental rights were terminated pursuant to MCL 712A.19b(3)(m). Because we find no clear error in the trial court's decision to terminate respondents' parental rights, we affirm.

I. Docket No. 284166

Respondent-father does not challenge the establishment of the statutory ground for termination of his parental rights; rather, he claims the trial court erred in finding that termination of his parental rights was in the child's best interests. We review the trial court's findings regarding a child's best interests for clear error. MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). A finding is clearly erroneous if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

Although the trial court was only required to determine whether the record supported a finding that termination was clearly not contrary to the child's best interests, MCL 712A.19b(5); *Trejo, supra* at 354, the court went further to find that termination of respondent-father's parental rights was in the child's best interests. The record supports the trial court's finding. There was evidence that the child had many issues she needed to work through and that, after years of instability, she needed a stable environment to be able to do so. There was other evidence that respondent-father, who had a history of incarceration, drug use, and domestic violence, failed to follow through with the recommendation that he obtain counseling. In addition, questions remained about respondent-father's housing and financial stability. On the basis of this evidence, we find no clear error in the trial court's findings regarding the child's best interests. We affirm the trial court's order terminating respondent-father's parental rights to the minor child.

II. Docket No. 284167

Respondent-mother first argues the trial court erred in proceeding toward termination where there was an agreement between the parties and the court that petitioner's request for immediate termination would be held in abeyance for 90 days to allow respondent-mother to work on a treatment plan. Generally, when a petition requests immediate termination of parental rights, petitioner need not offer the respondent a treatment plan. See MCL 712A.19b(4); MCR 3.977(E). Here, however, respondent-mother had at least six months to demonstrate compliance with her treatment plan. The record showed that, while respondent-mother satisfied many requirements of her plan, she had not demonstrated stability with respect to her housing, finances, or emotions. In addition, there was evidence that respondent-mother repeatedly refused to sign releases to allow petitioner to have full access to the information it needed to determine her housing and financial stability. Where there was clear evidence that respondent-mother was

not in sufficient compliance with the treatment plan, we conclude that the trial court did not err in proceeding toward termination of her parental rights.

Respondent-mother next argues that the trial court erred by terminating her parental rights under MCL 712A.19b(3)(m) where the court did not find that the child would be at risk of harm if returned to respondent-mother's home. Respondent-mother further argues that the court erred in finding that termination of her parental rights was in the child's best interests. To terminate parental rights, the trial court must first find that at least one of the statutory grounds set forth in MCL 712A.19b(3) was proven by clear and convincing evidence. MCL 712A.19b(3); *In re JK*, *supra* at 210. Once a statutory ground for termination of parental rights is established, the court must terminate unless it finds that termination of parental rights is clearly not in the child's best interests. MCL 712A.19b(5); *JK*, *supra* at 211; *Trejo*, *supra* at 354. We review the trial court's findings regarding a child's best interests for clear error. *Trejo*, *supra* at 356-357.

The plain language of MCL 712A.19b(3)(m) does not require the trial court to find that the child would be at risk of harm if she were returned home, as respondent-mother argues. Further, respondent-mother has cited no authority in support of her position. Contrary to respondent-mother's argument on appeal, termination does not automatically occur once MCL 712A.19b(3)(m) is satisfied. Rather, once a statutory ground for termination is satisfied, the court is then required to make a finding that termination is not contrary to the child's best interests. *Trejo*, *supra* at 354. Here, the trial court addressed the child's best interests at length and made an affirmative finding that termination of respondent-mother's parental rights was in the child's best interests. The record contained evidence that respondent-mother had not shown financial or housing stability by the time of the final hearing. In addition, questions remained about her emotional stability. In light of the evidence that the child needed immediate stability to work through her difficulties, we find no clear error in the trial court's determination regarding her best interests. We affirm the trial court's order terminating respondent-mother's parental rights to the minor child.

Affirmed.

/s/ Joel P. Hoekstra
/s/ William C. Whitbeck
/s/ Michael J. Talbot