STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of MICHAEL JONES and BRIANNA JONES, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

IRMA LA'TICE WILLIS,

Respondent-Appellant.

UNPUBLISHED
November 20, 2008

No. 284866
Wayne Circuit Court
Family Division
LC No. 04-437520-NA

Before: Jansen, P.J., and O'Connell and Owens, JJ.

PER CURIAM.

Respondent appeals by right the family court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(*i*), (g), and (j). We affirm.

On appeal from termination of parental rights proceedings, this Court reviews the family court's findings under the clearly erroneous standard. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005). In order to terminate parental rights, the family court must find that at least one of the statutory grounds for termination has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991).

The conditions that led to adjudication were that the twin children were born addicted to cocaine and respondent did not have provisions for infant care when her home was observed. Because of respondent's failure to provide releases for her medical records and prescription information, and due to her failure to comply with the drug screens, the family court observed that it could not conclude that respondent was no longer using cocaine. Respondent's testimony that she provided the necessary medical information conflicted with the worker's testimony. It was clear that the court found the worker more credible, and this Court will not disturb that finding. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

It was respondent's obligation to comply with the requirements of the treatment plan. Had she remained in regular contact with the workers and called in every day as required for the drug screen program, she could have conveyed her transportation problems to the workers and asked for more help. While it was clear that respondent had serious medical challenges during

the pendency of this case, she did not demonstrate that she was willing to do what was asked of her in order to regain custody of her children. At the time of termination, respondent did not have a suitable home or sufficient income to provide for the children. When she was given a home through Traveler's Aide, she did not comply with their program and did not even occupy the home. After she was terminated from the program, there was no other housing she could afford on her monthly disability income. Finally, although respondent contended that she benefited from parenting classes and counseling, her failure to change her conduct and take responsibility, as well as her sporadic visitation of the children, demonstrated that she had not benefited from the services. See *Gazella*, *supra* at 676. It was clear that the conditions leading to adjudication continued to exist, and in light of respondent's poor progress, it was not likely that the conditions would be rectified within a reasonable time. MCL 712A.19b(3)(c)(*i*). Moreover, considering the absence of proof that respondent had ceased using illegal drugs, and in light of the fact that respondent lacked permanent suitable housing, it was clear that respondent could not provide proper care and custody for the children and would not be able to do so within a reasonable time. MCL 712A.19b(3)(g); see also *In re Conley*, 216 Mich App 41, 44; 549 NW2d 353 (1996). The family court did not err by finding that at least one of the statutory grounds for termination had been established by clear and convincing evidence.[1]

Once the family court found that at least one of the statutory grounds had been established, the court was obligated to terminate respondent's parental rights unless termination would have been clearly contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). We review the family court's best-interests determination for clear error. *Id.* at 356-357. There was no evidence on the record to support a finding that termination was clearly contrary to the best interests of the children. The children had been in foster care since birth. Accordingly, at the time of termination, they had been in foster care for more than three years. Respondent did not have a home for the children or sufficient income to care for them. She had visited them only sporadically. There was no evidence of a strong parent-child bond. Although respondent testified often that she loved her children and was willing to do anything to get them back, her actions demonstrated that she was not willing to accept responsibility for their care and custody. The family court did not err by finding that termination of respondent's parental rights was not clearly contrary to the children's best interests.[2]

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[1] In light of our conclusion that sufficient evidence supported the family court's findings under §§ 19b(3)(c)(*i*) and (g), we need not consider whether there was sufficient evidence to establish the statutory ground for termination contained in § 19b(3)(j). See *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

[2] The Legislature has amended MCL 712A.19b(5), effective July 11, 2008. See 2008 PA 199. MCL 712A.19b(5) now provides that "[i]f the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights . . . ." However, the termination order at issue in this case was entered before this 2008 amendment took effect.

Affirmed.

/s/ Kathleen Jansen
/s/ Peter D. O'Connell
/s/ Donald S. Owens