

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of MELODY ROSE PAUL, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

AMY BETH PAUL,

Respondent-Appellant,

and

DAVID McINTOSH,

Respondent.

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UNPUBLISHED

January 20, 2009

No. 286593

Kent Circuit Court

Family Division

LC No. 08-051134-NA

Before: Talbot, P.J., and Bandstra and Gleicher, JJ.

MEMORANDUM.

Respondent-mother appeals as of right from the order terminating her parental rights to the minor child in accordance with MCL 712A.19b(3)(g), (j), and (l). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in ordering the termination of respondent's parental rights based on its determination that at least one statutory ground for termination was established by clear and convincing evidence and that termination served the minor child's best interests. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5)<sup>1</sup>; MCR 3.977(J).

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<sup>1</sup> MCL 712A.19b(5) has been amended, effective July 11, 2008, to require that the trial court make an affirmative finding that termination of a parent's parental rights is in the best interest of the child. 2008 PA 199. The amended statute does not affect the instant case because the termination order was entered on June 17, 2008.

Respondent contends that she made substantial progress on her goals and the trial court erred in finding that MCL 712A.19b(3)(g) and (j) had been established. However, she does not challenge the trial court's finding that her parental rights to another child were previously involuntarily terminated, and that termination of her rights to the minor child at issue here was therefore appropriate under MCL 712A.19b(3)(l). Thus, the trial court did not clearly err in finding that a statutory ground for termination had been established. *In re Powers*, 244 Mich App 111, 119; 624 NW2d 472 (2000). Moreover, while respondent submitted urine screens, was employed, and attended counseling sessions during the case involving her older children, she continued to have a relationship with a known drug user, David McIntosh, despite the court's no-contact order, and did not demonstrate an ability to financially support herself or her child. This evidence also supported the trial court's determination that MCL 712A.19b(3)(g) and (j) had been established.

Finally, respondent contends that the trial court erred in determining that it was in the child's best interests to terminate her parental rights. MCL 712A.19b(5). Respondent asserts that she was able to provide her child with a home. However, the caseworker testified that respondent was not self-sufficient as she had not been responsible for payment of rent or any of her bills. Further, respondent was provided a substantial period of time to work on her treatment plan but failed to successfully reduce the barriers to secure reunification with her child. Given respondent's extended history with child protective services and her failure to successfully complete the treatment plan, the trial court did not clearly err in finding that termination of respondent's parental rights was in the minor child's best interests.

Affirmed.

/s/ Michael J. Talbot  
/s/ Richard A. Bandstra  
/s/ Elizabeth L. Gleicher