

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of TAKIAH SLOAN, RUBEN  
SLOAN, JAIDYN A. SLOAN, and ETHAN  
TYLOR SLOAN, Minors.

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DEPARTMENT OF HUMAN SERVICES,  
  
Petitioner-Appellee,

v

FELICIA WATSON,

Respondent-Appellant,

and

KEITH WATSON,

Respondent.

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UNPUBLISHED  
April 20, 2010

No. 294210  
Branch Circuit Court  
Family Division  
LC No. 08-003889-NA

Before: SERVITTO, P.J., AND FITZGERALD AND BECKERING, JJ.

PER CURIAM.

Respondent Felicia Watson appeals as of right from the trial court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence and that termination is in the best interests of the children. MCL 712A.19b(5); *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). The trial court's decision terminating parental rights is reviewed for clear error. MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 355-357; 612 NW2d 407 (2000); *Sours*, 459 Mich at 632-633. 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 JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003); *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. MCR 2.613(C); *Miller*, 433 Mich at 337.

Termination of respondent's parental rights was proper under MCL 712A.19b(3)(c)(i) and (g). At the time of the adjudication, respondent was intoxicated and unable to care for her children, and her house was in disarray. By the time of the permanent custody hearing, respondent had not completed alcohol treatment or demonstrated a sustained period of sobriety. Respondent had positive alcohol screens as recently as April 2009, and she stopped submitting screens in July 2009. Respondent's compliance with services was never long lasting, and her failure to comply with her parent-agency agreement was evidence of her failure to provide proper care and custody of the children. *JK*, 468 Mich at 214. She never provided proof of attendance in Alcoholics Anonymous, and she did not regularly participate in or benefit from counseling sessions even though therapy was necessary for her to achieve sobriety.

Respondent's inability to provide proper care of her children was also demonstrated by her inability to maintain employment or obtain housing. She was last employed on January 29, 2009. Throughout the duration of the case, she never paid rent or showed that she was able to care for herself. There was also no evidence that respondent addressed her personal issues or sufficiently improved her parenting skills to the point where she could demonstrate parental fitness. Respondent was impulsive, had a history of chaotic relationships, and had proven unable to learn from past behavior. She repeatedly demonstrated difficulty controlling the children and handling her frustration. Thus, the trial court did not err in finding that the conditions leading to adjudication continued to exist and were unlikely to be rectified within a reasonable time, under MCL 712A.19b(3)(c)(i), or that respondent failed to provide proper care and custody of the children, as required by MCL 712A.19b(3)(g), and there was no reasonable expectation she would be able to do so within a reasonable time.

The trial court also did not err in its findings under MCL 712A.19b(3)(j). Given respondent's untreated alcohol problem and mental disorders, the children would be at risk of harm in her care. The children had already suffered emotional harm due to respondent's inability to provide structure and stability. Two of the children suffered anxiety that caused them to become more distressed and self-centered. This emotional harm would continue if the children were returned to respondent's care. Also, one of the children was diagnosed with a respiratory illness and needed breathing treatments twice a day. Respondent's excessive alcohol use would impede her ability to appropriately respond to the child's medical needs, thereby subjecting him to risk of physical harm.

Although the trial court erred in relying on MCL 712A.19b(3)(c)(ii), because there was no new condition that would have independently supported the court's assertion of jurisdiction, this error was harmless because the court properly found that clear and convincing evidence established the other statutory grounds for termination. MCL 712A.19b(3); *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Finally, the evidence showed that termination of respondent's parental rights was clearly in the best interests of the children. MCL 712A.19b(5). Respondent was regularly intoxicated and could not meet their basic needs. Respondent had not been able to maintain employment or obtain housing. Her failure to address her alcohol abuse, seek counseling, obtain employment, and maintain suitable housing demonstrated that she was not a fit caregiver for the children. Moreover, respondent had not improved her parenting skills to the point where she could properly parent the children. She was so lacking in insight that she did not think her alcohol use affected her children. Although respondent appeared to have a good relationship with her

children, a bond to them is not sufficient to undermine a finding that termination of parental rights was in the children's best interest. Proper parenting, which respondent was unable to provide, requires more than a bond. "If a parent cannot or will not meet her irreducible minimum parental responsibilities, the needs of the child must prevail over the needs of the parent." *In re Terry* 240 Mich App 14, 28; 610 NW2d 563 (2000), quoting *In re AP*, 728 A2d 375, 379 (Pa Super, 1999). Thus, the trial court did not clearly err in its best interest determination.

Affirmed.

/s/ Deborah A. Servitto  
/s/ E. Thomas Fitzgerald  
/s/ Jane M. Beckering