

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

August 19, 2010

In the Matter of D. A. HAYWARD, Minor.

No. 295843

Oakland Circuit Court

Family Division

LC No. 05-709480-NA

Before: GLEICHER, P.J., and ZAHRA and K. F. KELLY, JJ.

MEMORANDUM.

Respondent mother appeals by right the trial court's order terminating her parental rights to the minor child under MCL 712A.19b(3)(g) and (j). We affirm.

Contrary to respondent's argument on appeal, we conclude that the trial court did not clearly err by finding that statutory grounds for termination exist and that termination was in the child's best interests. We review the trial court's findings in a termination proceeding under the clearly erroneous standard. *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005). A trial court must find that at least one statutory ground for termination in MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005). If evidentiary support exists in support of termination, then a trial court may terminate a parent's rights if termination is in the child's best interests. MCL 712A.19b(5).

Here, clear and convincing evidence supported the trial court's determination that respondent had failed to provide proper care and custody of the child and that there was no reasonable likelihood that respondent would be able to do so within a reasonable time. MCL 712A.19b(3)(g). Respondent received services for substance abuse and domestic violence from the time the child was born. However, despite receiving services for five years, she never substantially complied with her treatment plan. Although there were periods of success, respondent always returned to abusing alcohol and continued to maintain her abusive relationship with the child's father. This repeated cycle of sobriety and relapse demonstrates that she did not benefit from any of the services she had received and discredits her testimony at the termination hearing that she was never given a chance to substantially comply with her treatment plan, as well as her claims that she would no longer have a relationship with the child's father

and maintain her sobriety. Accordingly, the trial court did not clearly err in terminating respondent's parental rights under MCL 712A.19b(3)(g).¹

The trial court also did not clearly err by finding that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5). At the termination hearing, the child was five years old. Testimony showed that the child did not ask to see respondent and he no longer had a strong bond with respondent. Moreover, after five years of services, respondent had not demonstrated any benefit or progress with alcoholism or domestic abuse, and had not demonstrated by her actions a commitment to make her child a priority. The trial court did not clearly err by terminating respondent's parental rights.

Affirmed.

/s/ Elizabeth L. Gleicher
/s/ Brian K. Zahra
/s/ Kirsten Frank Kelly

¹ Because the trial court found sufficient evidence in support of termination under MCL 712A.19b(3)(g), we need not consider the trial court's findings under MCL 712A.19b(3)(j). See *In re Fried*, 266 Mich App at 540-541.