

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

August 19, 2010

In the Matter of F. D. BENAVIDES, Minor.

No. 296187

Oakland Circuit Court

Family Division

LC No. 08-750245-NA

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

PER CURIAM.

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

I. STATUTORY GROUNDS FOR TERMINATION

Respondent argues that the trial court clearly erred by finding that statutory grounds for termination of respondent's parental rights were established by clear and convincing evidence. We disagree. We review for clear error a trial court's determination whether clear and convincing evidence supports the statutory grounds for termination. *In re Trejo*, 462 Mich 341, 356; 612 NW2d 407 (2000). A finding is clearly erroneous if, although there is some evidence to support it, we are left with a definite and firm conviction that a mistake has been made. *In re Miller*, 433 Mich 331, 337; 455 NW2d 161 (1989). To terminate parental rights, 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).

Here, the child was originally brought to the attention of the Department of Human Services (DHS) after respondent was found holding the child while attempting to break into an apartment. In September 2008, respondent pleaded no contest to the allegations in the original petition and a parent-agency agreement (PAA) was adopted in October 2008. The PAA required respondent to: (1) maintain contact with the agency; (2) attend random drug screens; (3) attend individual counseling; (4) undergo substance abuse treatment; (5) maintain housing; (6) maintain a legal source of income; and, (7) attend parenting classes. Although respondent complied with most aspects of the PAA, the record shows that she failed to establish, or make any significant progress toward establishing, stable housing and employment despite being given over a year to do so. Thus, clear and convincing evidence supported the trial court's finding that grounds for termination under MCL 712A.19b(3)(c)(i) existed because the conditions leading to adjudication continued to exist and there was no reasonable likelihood that those conditions would be rectified within a reasonable time.

Respondent, however, posits that her situation is due to circumstances outside her control, that DHS did not provide enough services, and that she is essentially being punished for the poor economy. This argument is unavailing. Respondent offers no proof to show that she was acting diligently to obtain either stable housing or income and does not indicate what services DHS should have directed her to. Rather, respondent's own testimony reveals that her plan was to rely on the state and family members for assistance. Accordingly, the trial court did not err when it found evidentiary support for termination under MCL 712A.19b(3)(c)(i). Because at least one ground for termination was supported by clear and convincing evidence, we need not consider whether the requisite evidence supported termination under § 19b(3)(g) and (j). *In re Fried*, 266 Mich App at 540-541.

II. BEST INTERESTS

Respondent next argues that the trial court erred by finding that termination was in the child's best interests. Again, we disagree. We review a trial court's best interests determination for clear error. *In re Trejo*, 462 Mich at 356. Once a trial court finds that statutory grounds for termination exist, then it must address whether termination is in the child's best interests. MCL 712A.19b(5). In the instant matter, the trial court's best interests determination was based primarily on respondent's inability to secure stable housing and employment. The child had been in care for over a year and respondent was no closer to providing the child with the necessities of life than she had been when the petition was filed. The child was entitled to permanence and stability. The trial court did not err by finding that termination of respondent's rights was in the child's best interests.

Affirmed.

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