STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
August 24, 2010

In the Matter of J. L. KROMPETZ, a/k/a S. RAY, Minor.

No. 295505
Ionia Circuit Court
Family Division
LC No. 98-000219-NA

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

PER CURIAM.

Respondent Michele Deane Krompetz, the mother of the involved minor child, appeals as of right from a circuit court order terminating her parental rights pursuant to MCL 712A.19b(3)(g) and (m). We affirm.

In June 2009, the Department of Human Services (DHS) filed a petition seeking custody of the child and termination of respondent's parental rights. The petition catalogued an extensive history of respondent's neglect of the child, the highlights of which include that (1) the child initially came within the jurisdiction of Ionia County courts in 1998 "due to physical abuse by [respondent's] live-in boyfriend Allen McClure and [respondent's] failure to protect" the child, and respondent maintained custody of the child conditioned on her prevention of any contact between McClure and the child; (2) in November 2001, children's protective services (CPS) workers in Clare County "substantiated [respondent] for child abuse/neglect, finding that she and the children had been living with Allen McClure, who had recently been arrested for domestic violence against her, and that" the instant minor had exposure to domestic violence; (3) in March 2004, state workers in Georgia discovered "cluttered and unsanitary" conditions in a home shared by respondent and McClure, observed that the instant minor and her brother "had lice and scabies," and administered a drug screen showing that respondent and McClure had marijuana and methamphetamine in their systems; (4) by Spring 2005, respondent and McClure had returned to Michigan, and in May 2005 respondent alleged that McClure had kidnapped the instant minor; "[d]espite acknowledging that she and [McClure] have had problems involving drug abuse, felonious assault, domestic violence, and sexual abuse, she asserted that he is a good man and [she] does not wish for him to be in trouble"; (5) in June 2005, the Ionia County DHS petitioned for the child's removal "due to [respondent's] failure to protect [the child] from sexual abuse and domestic violence by Allen McClure"; (6) in August 2005, respondent admitted using methamphetamines during a pregnancy with twins, and in July 2007, a court terminated respondent's parental rights to the twins; (7) in June 2009, respondent acknowledged using marijuana and CPS workers discovered in respondent's home Robert Conley, who "was recently released on parole for aggravated rape" and "incarcerated for over 17 years."

Despite the June 2009 permanent custody petition filing, the DHS thereafter offered respondent services. Respondent availed herself of some substance abuse counseling and other services, but not for any consistent, sustained period. In a bench opinion after a November 2009 termination hearing, the circuit court detailed the many prior services furnished to respondent over the course of the previous several years,[1] her many problematic relationships with men, and her extended history of drug abuse. The court found clear and convincing evidence justifying termination of respondent's parental rights under MCL 712A.19b(3)(g) and (m), and that termination served the child's best interests.

Respondent concedes that she voluntarily relinquished her parental rights to two other children, and she does not challenge the circuit court's finding that clear and convincing evidence warranted termination under MCL 712A.19b(3)(m). Given that only one ground need exist to merit termination, and that the court properly invoked subsection (m), we decline to specifically consider subsection (g). *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000).

Respondent challenges only the circuit court's ruling that termination of her parental rights served the child's best interests. Once a statutory ground for termination is established by clear and convincing evidence, the circuit court must order termination if "termination of parental rights is in the child's best interests." MCL 712A.19b(5). We review for clear error a circuit court's findings of fact. MCR 3.977(J); *In re Trejo*, 462 Mich at 356-357. "A finding is clearly erroneous if although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989) (internal quotation omitted).

Respondent complains that the circuit court erred by not giving enough weight to the positive evidence of record, and suggests that the DHS neglected to pursue reasonable efforts to reunite her with the child.[2] To give context to the circuit court's best interest findings, we reprint the following bench opinion excerpt related to MCL 712A.19b(3)(g):

> When I look at the whole package here, . . . the men, and frankly the woman [potential guardian] that you've introduced into your daughter's life, the chaotic, traumatic lifestyle to which you've exposed her, your ongoing drug use for her entire life, the type of men that you surround yourself with, the frequent

[1] The circuit court noted, "I don't think it would be an exaggeration to state that from 2005 to date, [respondent] and her family, her daughter, have been offered more services than any other family that's come before this court."

[2] The record belies respondent's suggestion that the DHS failed in its duty to make a meaningful effort to reunite her with the child after filing the June 2009 petition. The adequacy of the state's efforts to offer services relates to whether sufficient evidence exists to terminate a parent's rights. *In re Fried*, 266 Mich App 535, 541; 702 NW2d 192 (2005). The undisputed propriety of termination under MCL 712A.19b(3)(m) renders irrelevant respondent's lack of reasonable efforts contention. Moreover, the DHS did make reasonable efforts at reunification in this case. The record establishes that respondent received substantial services, off and on, over the course of more than 10 years.

moves, although I've seen far worse situations of . . . movement. The lack, quite frankly, of security, structure, stability and predictability in this girl's life . . . .

And I don't want to go through all the testimony again, but . . . you choose abusive and controlling men to expose your daughter to. You know, going back to Alan [sic] McClure, who molested your daughter while she was in your care; going back to George Chambers, who tragically was involved in the accident that led to the death of your son. Mr. Krompetz is an . . . interesting individual. I've never felt that that was a good choice, but I deferred to the experts. . . . But as was testified to, that went right down the drain when his parole was denied and he referred to [respondent] as a bitch, repeatedly.

We then, you know, sprinkle Robert Conley into the mix. A man who was just released on parole for aggravated rape and well it's been noted a couple of times that well, he didn't do this to a minor; I mean that's a shallow victory. . . . And that again leads to questions of your ability to provide proper care for your daughter, that you somehow would feel that having this man hang out at your house . . . [and] be around your daughter was a good thing.

And when I look at the history here and the depth of the services, . . . you said all the right things the last time. You did all the right things. Frankly, you had us fooled. You had [Community Health Services] fooled, that you were a changed woman. You convinced me that you'd fully addressed your drug problem and understood the depth of it. Heck you were even a sponsor for others that were going down the same road that you had traveled and . . . you had convinced us all that you were clean and sober and that you were going to be the mother that [the child] deserves. And what happened within two weeks of the providers getting out of your life, you're back doing drugs. . . .

Concerning the child's best interests, the court reasoned:

And I do find that termination is in the best interests of this child. This child, through no fault of her own, has been raised in an absolutely chaotic, trauma-filled, drug-filled, crime-filled life with unbelievable experiences. I mean you . . . piece together this child's life and it's one of the most tragic tales that can be told. A young lady that has been exposed to sexual abuse, drug abuse, criminality, unfit homes. It's just . . . a tragic case and I can only hope that this young lady, to the best of her ability and with the assistance of many, can overcome the trauma that she's experienced in life.

The constant moves, the in and out of foster care, the reliance on mom, the hope that mom had finally turned it around, only to have mom within two weeks go back to drugs. Only to have mom break up, if you will, with Mr. Krompetz and then within weeks plan for a future together with the man who has six children from three different women and . . . somehow throwing [the instant child] into that situation was . . . going to be a good thing and a stable thing.

Contrary to respondent's suggestion, the circuit court plainly had awareness of the evidence that tended to place her in a favorable light. As reflected in respondent's brief on appeal, the favorable evidence cited by respondent derived from the circuit court's bench opinion. When viewed as a whole, the court's ruling illustrated its intimate familiarity with the circumstances of this case, and the court need not have rerecited all relevant evidence again in the course of its determination regarding the child's best interests. And our review of the record leads us to conclude that no clear error occurred in the circuit court's bench opinion findings.

In summary, we detect no clear error in the circuit court's best interest determination because the record establishes that (1) the circuit court had awareness of all the circumstances relevant to the statutory grounds for termination and its best interest findings, including the bond respondent and the child shared, *In re LE*, 278 Mich App 1, 29-30; 747 NW2d 883 (2008); *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004); (2) although respondent received many services over the course of many years, she still had not placed herself in a position to offer the child proper care and custody; and (3) the child desperately needed and desired security and stability in her life. *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991).

We reject respondent's final assertion on appeal that the circuit court should have entrusted the child to respondent's cousin in lieu of terminating her parental rights. A court may place a child with a relative instead of terminating a respondent's parental rights if this arrangement would serve the child's best interests. *In re IEM*, 233 Mich App 438, 453; 592 NW2d 751 (1999); *In re McIntyre*, 192 Mich App at 52. However, respondent did not identify the cousin as a potential guardian until the time of the termination hearing, the cousin had had no contact with the child in recent years, and the child, who was 12-years-old at the time of the hearing, strongly desired to remain with her foster family instead of living in a relative placement.

Affirmed.

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