

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

October 5, 2010

In the Matter of DIX, Minors.

No. 296229

Macomb Circuit Court

Family Division

LC Nos. 2008-000486-NA

2008-000487-NA

2008-000488-NA

2008-000489-NA

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

MEMORANDUM.

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

Respondent argues that the trial court clearly erred by terminating her parental rights. We disagree. We review a trial court's findings in a termination proceeding for clear error. MCR 3.977(K); *In re B and J*, 279 Mich App 12, 17; 756 NW2d 234 (2008). A finding is clearly erroneous if we are left with a definite and firm conviction that a mistake was committed, giving due regard to the trial court's opportunity to observe the witnesses. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Termination of parental rights requires a finding that at least one of the statutory grounds under MCL 712A.19b(3) has been established by clear and convincing evidence. *In re B and J*, 279 Mich App at 18. If the statutory grounds for termination are established, the trial court must then order termination of parental rights if termination is in the child's best interests. MCL 712A.19b(5).

After the children were removed from respondent's care, respondent entered into a parent agency agreement (PAA) to rectify the conditions that necessitated their removal. However, during the nearly one and half years before the termination hearing, respondent never progressed sufficiently to allow the children to be returned to her or to even have unsupervised parenting time. Despite completing some parts of the PAA, respondent abruptly moved up north during the pendency of the case and failed to complete counseling, domestic violence treatment, and a parenting class. She also stopped visiting the children and taking her medication, and she did not obtain appropriate housing. Thus, while respondent complied to some degree with the PAA, her actions demonstrate that she has nonetheless failed to benefit from the services in order to provide the children with the stability they need. See *In re Gazella*, 264 Mich App 668, 676-

677; 692 NW2d 708 (2005). Accordingly, the trial court did not err by finding that clear and convincing evidence supported termination of respondent's parental rights under MCL 712A.19b(3)(c)(i), (g), and (j).

The trial court's finding that termination was in the children's best interests was also not clearly erroneous. MCR 3.977(K); MCL 712A.19b(5). The children are entitled to a permanent, safe, and stable home, which respondent cannot provide. Moreover, the three oldest children show signs of strain from the long wardship and the uncertainty over their future. The trial court did not clearly err in its best interests findings. Termination of respondent's parental rights was not clearly erroneous.

Affirmed.

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