

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
December 21, 2010

In the Matter of WRIGHT, Minors.

No. 297886
St. Clair Circuit Court
Family Division
LC No. 09-000072-NA

Before: MURPHY, C.J., and METER and GLEICHER, JJ.

PER CURIAM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), and (g). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that §§ 19b(3)(c)(i) and (g) were both proven by clear and convincing evidence. *In re Trejo Minors*, 462 Mich 341, 355; 612 NW2d 407 (2000); MCR 3.977(H) and (K). The evidence established that respondent lacked the skills to supervise, manage, and control the children to such a point that they were at risk under her care, yet she failed to appreciate the risk. Without the assistance of others, respondent was unable to competently parent the children. Further, respondent had anger management issues, and there was evidence that she had once resorted to hitting, choking, and stepping on one of the children. Respondent failed to make any significant improvements in her parenting abilities and was still unable to care for the children on her own after services were provided. As indicated by the trial court, none of the professionals who testified at trial opined that it would be appropriate to place the children with respondent. We recognize that respondent complied with the treatment agreement and case service plan; however, she failed to adequately benefit from the treatment and services. As stated by this Court in *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005):

It is true that the . . . order only required “mother's compliance with all conditions of the service plan.” “Compliance” could be interpreted as merely going through the motions physically; showing up for and sitting through counseling sessions, for example. However, it is not enough to merely go through the motions; a parent must benefit from the services offered so that he or she can improve parenting skills to the point where the children would no longer be at risk in the parent's custody. In other words, it is necessary, but not sufficient, to physically comply with the terms of a parent/agency agreement or case service plan. For example, attending parenting classes, but learning nothing from them

and, therefore, not changing one's harmful parenting behaviors, is of no benefit to the parent or child.

Respondent here was provided with numerous services, but whether due to her cognitive limitations, her refusal to acknowledge any problems with her parenting, or for other reasons, she did not benefit from those services and failed to demonstrate an ability to adequately care for the three children such that they would no longer be at risk. The evidence supports the trial court's determination that termination was warranted under §§ 19b(3)(c)(i) and (g). Assuming error in relying on § 19b(3)(c)(ii), it was harmless because only one statutory ground need be established in order to support termination. *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Respondent also argues that termination was clearly not in the best interests of the children. This argument fails to appreciate a fairly recent statutory amendment. Effective July 11, 2008, MCL 712A.19b(5) was amended pursuant to 2008 PA 199, and it now provides that “[i]f the court finds that there are grounds for termination of parental rights *and that termination of parental rights is in the child's best interests*, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made.” (Emphasis added.) The trial court did not clearly err in finding that termination of respondent's parental rights was in the best interests of the children, given the evidence which reflected that respondent lacked the ability to adequately and safely care for the children. *Trejo Minors*, 462 Mich at 356-357.

Affirmed.

/s/ William B. Murphy
/s/ Patrick M. Meter
/s/ Elizabeth L. Gleicher