STATE OF MICHIGAN

COURT OF APPEALS

In re A. HARKNESS, Minor.

UNPUBLISHED
April 19, 2016

No. 329865
Branch Circuit Court
Family Division
LC No. 13-004945-NA

Before: TALBOT, C.J., and HOEKSTRA and SHAPIRO, JJ.

PER CURIAM.

Respondent appeals as of right the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(*i*) (conditions leading to adjudication continue to exist). We affirm.

Respondent argues that the trial court erred in finding by clear and convincing evidence that there were grounds for termination of her parental rights.[1] Termination is proper under MCL 712A.19b(3)(c)(*i*) if "[t]he conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age." We have previously held that termination was established under (c)(*i*) when the totality of the evidence amply supported a finding that the respondent had failed to accomplish "any meaningful change in the conditions" that led to adjudication. *In re Williams*, 286 Mich App 253, 272; 779 NW2d 286 (2009).

Here, the conditions that led to the adjudication were respondent's lack of suitable housing and lack of employment or other means to provide support for her son. At the termination hearing, respondent testified that she did not have suitable housing for a minor child, that she only worked for two months since losing her job as a housekeeper, and that she currently did not earn a sufficient living to support her and a child. Moreover, respondent admitted that

[1] "In order to terminate parental rights, the trial court must find by clear and convincing evidence that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met." *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011). This Court reviews the trial court's determination for clear error. *Id.*; MCR 3.977(K). "A finding is clearly erroneous if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made." *In re HRC*, 286 Mich App 444, 459; 781 NW2d 105 (2009).

she was not ready to care for the minor child. Thus, on this record, "the totality of the evidence amply" supports that respondent "had not accomplished any meaningful change" in the conditions that led to the adjudication. See *id*. Further, the record does not demonstrate that there was a reasonable likelihood that the conditions would be rectified within a reasonable time considering the minor child's young age. Respondent only worked for two months between July 2014 and September 2015. Moreover, while respondent testified that she planned on going back to work after a surgery, she did not know how long it would take her to get back to work, and she testified that she was only able to set aside $25 to $30 when she was working. Respondent acknowledged that "there aren't too many places that are probably going to charge just $25 a week for living quarters." Moreover, she testified that she did not know how long it would take her to find suitable housing and she acknowledged that her son should not have to wait for her to find housing or employment. Respondent acknowledged that her parental rights with respect to two of her previous children were terminated under similar circumstances in 2012. Finally, respondent did not believe she needed counseling, which may have helped her with her barriers. In conclusion, given respondent's history and failure to fully invest in rectifying the conditions that led to adjudication, there was not a reasonable likelihood that the conditions would be rectified within a reasonable time considering the minor child's age, and the trial court did not clearly err in finding that the statutory requirements for termination under MCL 712A.19b(3)(c)(*i*) were met. *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011).

Respondent also argues on appeal that termination was not in the minor child's best interests.[2] "Once a statutory ground for termination has been proven, the trial court must find that termination is in the child's best interests before it can terminate parental rights." *In re Olive/Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012). The minor child—not the parent—is the focus of the best-interest stage. *In re Moss*, 301 Mich App 76, 87; 836 NW2d 182 (2013). In making its determination, the trial court may consider factors such as "the child's bond to the parent, the parent's parenting ability, the child's need for permanency, stability, and finality, and the advantages of a foster home over the parent's home." *In re Olive/Metts*, 297 Mich App at 41-42 (citations omitted).

Although respondent loved her child and claimed a strong bond, other evidence demonstrated that termination was in the minor child's best interests. In making its best interests determination, the trial court emphasized the need for permanency and stability, which outweighed any bond that was present. Further, the trial court reasoned that the child was doing amazing in foster care, that he looked to and trusted his foster parents, and that his biological parents were not there for him. The foster care worker testified that the minor child was thriving in his foster home and that he recently started asking not to go on parental visits anymore. Further, there was testimony that the child was more comfortable and outgoing in his home environment versus the parenting time environment, that his foster parents met his current needs,

[2] This Court reviews the trial court's decision regarding the children's best interests for clear error. *In re White*, 303 Mich App 701, 713; 846 NW2d 61 (2014). "[W]hether termination of parental rights is in the best interests of the child must be proved by a preponderance of the evidence." *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013).

that the child trusted them, and that the child was well bonded and looked to his foster parents for affection. Given these facts, the trial court did not clearly err in finding that termination of respondent's parental rights was in the minor child's best interests. *In re White*, 303 Mich App 701, 713; 846 NW2d 61 (2014).

Affirmed.

/s/ Michael J. Talbot
/s/ Joel P. Hoekstra
/s/ Douglas B. Shapiro