STATE OF MICHIGAN

COURT OF APPEALS

In re M. ROBINSON, Minor.

UNPUBLISHED
May 17, 2016

Nos. 330372; 330493
Ottawa Circuit Court
Family Division
LC No. 13-074875-NA

Before: RIORDAN, P.J., and SAAD and MARKEY, JJ.

PER CURIAM.

In Docket No. 330372, respondent-father appeals as of right the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(*i*) (conditions that led to adjudication continue to exist) and (g) (failure to provide proper care or custody). In Docket No. 330493, respondent-mother appeals as of right the same trial court order, which also terminated her parental rights pursuant to MCL 712A.19b(3)(c)(*i*) and (g). We affirm in both appeals.

I. FACTUAL BACKGROUND AND PROCEDURAL HISTORY

In July 2014, two days after the birth of the minor child, petitioner, the Department of Health and Human Services ("DHHS"),[1] filed a petition requesting that the trial court exercise jurisdiction over the child pursuant to MCL 712A.2(b)(1) and (2) and remove the child from respondents' care.[2] Petitioner alleged that another child was removed from respondent-mother's care in May 2013 because of substance abuse, domestic violence, and criminality issues, and this child was ultimately placed in a guardianship with his paternal aunt and uncle. It also alleged that respondent-mother completed a psychological evaluation in 2014, but failed to comply with its recommendations. Additionally, it was alleged that respondent-mother tested positive for marijuana when she checked into the hospital to give birth to the minor child at issue in this case. Further, petitioner alleged that respondent-mother had not completed substance abuse treatment, which had been ordered during the proceedings associated with her other child, and that she and respondent-father did not have stable housing. With regard to respondent-father, the petition

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[1] References to DHHS include its predecessor, the Department of Human Services ("DHS").

[2] This petition was later amended. The allegations described *infra* are those described in the amended petition.

alleged that he had "a history of possessing . . . illegal substances."[3] Finally, the petition alleged that both respondents had a history of domestic violence and had "recently been observed in volatile arguments while in the hospital." Following a preliminary hearing, the trial court authorized the petition.

In July 2014, respondents secured adequate housing through Good Samaritan Ministries. In addition, in the following month, respondent-mother completed a substance abuse evaluation and began participating in outpatient substance abuse treatment.

Early in September 2014, an initial parent-agency treatment plan was created for both respondents. Respondent-mother's barriers to reunification were identified as substance abuse, domestic violence/mental health, parenting skills, and life skills, whereas respondent-father's barriers to reunification were identified as substance abuse, life skills, parenting skills, and domestic relations. Under the plan, both respondents were required, *inter alia*, to submit to random drug screens, participate in substance abuse treatment, participate in counseling, work with a mentor through Families Together Building Solutions ("FTBS") to address parenting skills and life skills, and attend all scheduled parenting times.

Later in September, both respondents entered pleas of admission to the allegations in the petition. The trial court accepted their pleas and assumed jurisdiction over the child pursuant to MCL 712A.2(b)(1) (failure "to provide proper or necessary support, education, medical, surgical, or other care necessary for his or her health or morals," and child is "subject to a substantial risk of harm to his or her mental well-being") and (b)(2) ("unfit home environment, by reason of neglect, cruelty, drunkenness, criminality, or depravity on the part of a parent, guardian, nonparent, or other custodian"). At the initial disposition, held immediately after respondents entered their pleas of admission, both respondents were ordered to comply with and benefit from the case service plan.

Over the next several months, both parents completed the FTBS program and routinely submitted to drug screening. Respondent-mother completed outpatient substance abuse treatment and provided numerous negative drug screens. Respondent-father, however, occasionally provided positive drug screens for cocaine, heroin, and other substances throughout the proceedings, including a positive screen for 6-MAM (a metabolite of heroin) and morphine less than one week before the termination hearing. A substance abuse assessment performed in August 2015 noted that respondent-father qualified "for most levels of care in regards to substance abuse treatment up to and including detoxification services," but he "demonstrate[d] very little motivation in terms of addressing his substance abuse issues." It also noted his limited progress in past treatments. In September 2015, the police were called while respondent-father was at a DHHS office to visit the minor child. He was observed punching a sign and "staggering in the parking lot." Respondent-father informed the officers that he was going through drug

[3] The petition originally stated that respondent-father had a history of "possessing *and delivering* illegal substances." (Emphasis added.) At adjudication, discussed *infra*, respondent-father only admitted the fact that he had a history of possessing illegal substances. Thus, the petition was amended to eliminate "delivering."

withdrawals and that he went outside to vomit, explaining that he hit the sign "because he didn't feel well."

Both respondents participated in individual counseling provided by Bethany Christian Services at various points throughout the proceedings. Respondent-mother's counseling sessions were canceled at one point due to "no-shows and late cancellations," but they were reinstated several months later. However, by September 2015, she was no longer attending her counseling sessions. Respondent-father did not begin individual counseling until February 2015. He participated in the sessions before his arrest for domestic violence later that month and after his release from jail in April 2015. Ultimately, though, he was released from Bethany Christian Services due to "three weeks of no-shows."

Domestic violence remained a concern throughout the pendency of the proceedings. Most notably, police officers were dispatched to respondents' residence on multiple occasions based on allegations of domestic violence perpetrated by both respondents. During one instance in February 2015, respondent-father was arrested for domestic violence, third offense,[4] after an officer heard him state, "If I was going to hit you, I will kill you," and respondent-mother reported that he had raised an axe handle as though he was going to hit her. Additionally, respondent-mother exhibited aggressive behaviors, swearing at the caseworker, "slam[ming] out of the visitation room," and "shov[ing] around" chairs and tables in the lobby, during one of her visits with the minor child in August 2015.

Respondent-mother left her residence with respondent-father three times during the proceedings, but she typically returned to the home within one week. Accordingly, when respondent-mother moved out of the home in September 2015, the DHHS caseworker was doubtful that respondents' relationship had ended. Respondent-mother never secured adequate housing after she left the home that she shared with respondent-father.

Throughout the proceedings, both respondents participated in parenting time with the minor child. However, they frequently argued whenever they encountered each other before, during, or after the visits. The caseworker also expressed concerns that respondent-father often attended visits with the child when he was not sober, noting significant differences in respondent-father's behavior depending on his sobriety.

In October 2015, petitioner filed a supplemental petition seeking the termination of respondents' parental rights under MCL 712A.19b(3)(c)(*i*) and (3)(g). It alleged that respondents failed to substantially benefit from the services provided, as they continued to "use controlled substances," "engage in domestic altercations," and "exhibit hostile and aggressive behaviors," and they were unable to provide a safe home environment for the child.

Following a hearing on the petition in November 2015, during which the trial court heard testimony from the DHHS caseworker, both respondents, and respondent-mother's father, the court found that petitioner had proven, by clear and convincing evidence, that a statutory basis

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[4] While he was incarcerated, respondent-father did not engage in the services offered at the jail.

for termination existed under both MCL 712A.19b(3)(c)(*i*) and (3)(g). The court also found, by a preponderance of the evidence, that termination of respondents' parental rights was in the best interests of the child. Accordingly, it entered an order terminating respondents' parental rights on November 6, 2015.

II. DOCKET NO. 330372

A. ADMISSION OF DRUG SCREEN RESULTS

In Docket No. 330372, respondent-father first argues that the trial court erred in relying on testimony regarding the results of his drug screens throughout the proceedings as a basis for terminating his parental rights because that evidence constituted inadmissible hearsay.[5] He claims that, because substance abuse was a circumstance "new or different" from those leading to the trial court's initial assumption of jurisdiction, it had to be proven by legally admissible evidence. We reject respondent-father's claims.

1. STANDARD OF REVIEW

A trial court's decision to admit or exclude evidence is reviewed for an abuse of discretion. *In re Utrera*, 281 Mich App 1, 15; 761 NW2d 253 (2008). "An abuse of discretion occurs when the trial court chooses an outcome that falls outside the range of principled outcomes." *Id.* (quotation marks and citation omitted).

2. ANALYSIS

Child protective proceedings in Michigan include two phases: an adjudicative phase and a dispositional phase. *In re Sanders*, 495 Mich 394, 404; 852 NW2d 524 (2014). Although the rules of evidence apply during the adjudicative phase, they do not apply during the dispositional phase. *Id*. at 406; *In re Gilliam*, 241 Mich App 133, 136-137; 613 NW2d 748 (2000) (citing the former court rules). Instead, during the dispositional phase, "[a]ll relevant and material evidence, including oral and written reports, may be received by the court and may be relied

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[5] Notably, during various hearings, including the termination hearing, respondent-father stipulated to the admission of documentary evidence summarizing the results of his drug screens. Thus, respondent-father arguably has waived review of this claim to the extent that the trial court relied on this evidence in determining whether a statutory basis existed for the termination of his parental rights. A "[r]espondent may not assign as error on appeal something that []he deemed proper in the lower court because allowing [him] to do so would permit respondent to harbor error as an appellate parachute." *In re Hudson*, 294 Mich App 261, 264; 817 NW2d 115 (2011); see also *People v Carter*, 462 Mich 206, 215-216; 612 NW2d 144 (2000) (stating that an issue is waived when a party expresses satisfaction with the court's decision, and that this approval extinguishes any error).

Nevertheless, we will consider this claim to the extent that respondent-father objects to the admission of testimony regarding his drug screens at the termination hearing for the purpose of establishing a statutory basis for termination.

upon to the extent of its probative value," even if that evidence is not legally admissible. MCR 3.977(H)(2); see also *In re Gilliam*, 241 Mich App at 137. However, under MCR 3.977(F), if termination is sought "on the basis of one or more circumstances new or different from the offense that led the court to take jurisdiction," a statutory basis for termination must be established by legally admissible evidence. See also *Gilliam*, 241 Mich App at 137 (discussing the former version of MCR 5.974(E)(1), which is substantively similar to the current version of MCR 3.977(F)).

Here, the trial court initially assumed jurisdiction based, in part, on respondent-father's plea to the allegations in the petition. One of the allegations admitted by respondent-father was that he had a history of possessing illegal substances. He contends that "possession" of illegal substances does not encompass the *use* of illegal substances or substance abuse. We disagree.

The terms "new" and "different" are not defined in the court rules. However, according to its dictionary definition, "different" implies that two things are "distinct," "not the same as," or "partly or totally unlike in nature, form, or quality." *Merriam-Webster's Collegiate Dictionary* (11th ed).[6] Likewise, "new" denotes "having recently come into existence," "having been seen, used, or known for a short time," or "different from one of the same category that has existed previously." See also *Black's Law Dictionary* (10th ed) (defining "new," in this context, as "recently come into being," "recently discovered," or "changed from the former state"). Similarly, we previously recognized—albeit under the former version of MCR 5.974, which is consistent with the current version of MCR 3.977(F)—that "new or different" circumstances are those "unrelated" to the basis of the trial court's initial assumption of jurisdiction over a child:

> [T]he court rules distinguish two situations: (1) the basis for the court taking jurisdiction of a child is *related* to the basis for seeking termination of parental rights and, (2) the basis for the court taking jurisdiction of a child is *unrelated* to the basis for seeking termination of parental rights. In the first situation, legally admissible evidence (under the rules normally used in civil proceedings) will already have been adduced at the adjudicative-phase trial, and thus *supplemental* proofs, which are presented on a background of such legally admissible evidence, need not be admissible under the Michigan Rules of Evidence. MCR 5.974(D)(3) (termination sought in initial petition); MCR 5.974(F)(2) (termination based on grounds related to those established in initial petition).
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> In the second situation, the basis for terminating parental rights lacks this background of legally admissible evidence from the adjudicative phase and, thus, such a foundation must be laid before probative evidence not admissible under the Michigan Rules of Evidence may be considered. MCR 5.974(E)(1). . . . Here, because it is conceded the grounds for termination are *unrelated* to the basis on which the probate court initially established its jurisdiction over the children, such legally admissible evidence was necessary to establish the factual basis for a

[6] It is proper to consult dictionary definitions when a term is not defined in a court rule. *Wardell v Hincka*, 297 Mich App 127, 132; 822 NW2d 278 (2012).

finding of parental unfitness warranting termination on any of the grounds specified in § 19b. This is what distinguishes MCR 5.974(E), which by its terms applies when the petition for termination is based on one or more circumstances *new or different* from the offense that led the court to take jurisdiction . . . . [*In re Snyder*, 223 Mich App 85, 89-90; 566 NW2d 18 (1997) (third emphasis in original).]

Here, it is clear that respondent-father's use of controlled substances is necessarily related to—and inextricably intertwined with—his history of possessing them. Accordingly, the only logical conclusion is that his use of controlled substances was not "unrelated" to the circumstances that led the court to take jurisdiction over the child in this case, but, instead, was of the same general nature, and was within the same category, as his possession of illegal substances.[7] Cf. *In re Gilliam*, 241 Mich App at 137 (finding that ongoing substance abuse and anger management problems, *i.e.*, the primary factors relied on by the trial court in terminating the respondent's parental rights, were not "related" to unsuitable housing and an inability to plan for the children, *i.e.*, the circumstances leading to the trial court's initial assumption of jurisdiction). Thus, the trial court's conclusion that MCR 3.977(F) does not apply in this case was not outside the range of principled outcomes, see *In re Utrera*, 281 Mich App at 15, and legally admissible evidence was not required to establish respondent-father's substance abuse as a circumstance supporting termination of his parental rights under MCL 712A.19b(3)(c)(*i*) and (g), see MCR 3.977(H)(2).

Nevertheless, even if we assume, arguendo, that the trial court abused its discretion in admitting testimony regarding the drug screen results, this error was harmless. See *In re Utrera*, 281 Mich App at 14; *In re Gilliam*, 241 Mich App at 137. Respondent-father stipulated to the admission of documentary evidence showing his positive drug screens earlier in the proceedings and at the termination hearing. Further, even if all evidence concerning respondent-father's substance abuse issues had been excluded, there is sufficient evidence in the record showing his failure to meaningfully change his ongoing domestic violence issues, and resulting inability to provide proper care or custody of the minor child, to support termination of his parental rights under MCL 712A.19b(3)(c)(*i*) and (g). See *In re Williams*, 286 Mich App 253, 272; 779 NW2d 286 (2009).

B. BEST INTERESTS

Respondent-father next argues that the trial court erred in finding that termination of his parental rights was in the best interests of the child. We disagree.

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[7] In making this conclusion, it is noteworthy that the record clearly shows that respondent-father had a history of substance abuse, not merely possession, that preceded the trial court's initial assumption of jurisdiction in this case, and that DHHS was well aware of that abuse. Most notably, although respondent-father did not enter a plea of admission with regard to this specific fact, the initial petition authorized by the trial court states, "[Respondent-father] is . . . known by local law enforcement to *use* and deliver illegal substances." (Emphasis added.)

1. STANDARD OF REVIEW

We review for clear error a trial court's best-interest determination. *In re White*, 303 Mich App 701, 713; 846 NW2d 61 (2014), citing MCR 3.977(K). "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 Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010) (quotation marks and citation omitted; alteration in original).

2. ANALYSIS

Pursuant to MCL 712A.19b(5), "[t]he trial court must order the parent's rights terminated if the [petitioner] has established a statutory ground for termination by clear and convincing evidence and it finds from a preponderance of the evidence on the whole record that termination is in the children's best interests." *In re White*, 303 Mich App at 713 (footnotes omitted).

> To determine whether termination of parental rights is in a child's best interests, the court should consider a wide variety of factors that may include "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." The trial court may also consider a parent's history of domestic violence, the parent's compliance with his or her case service plan, the parent's visitation history with the child, the children's well-being while in care, and the possibility of adoption. [*Id*. at 713-714 (footnotes omitted); see also *In re Olive/Metts Minors*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012).]

Further, we may also consider whether it is likely "that the child could be returned to her parents' home within the foreseeable future, if at all." *In re Frey*, 297 Mich App 242, 248-249; 824 NW2d 569 (2012).

Here, in making its best-interest determination with respect to respondent-father, the trial court considered the fact that he was bonded to and loved the minor child. However, the court found that respondent-father was not in a position to provide permanence and stability for the child. Additionally, the trial court noted that the child had been in foster care for approximately 15 months and that there was a high likelihood that he would be adopted. The trial court also referenced respondent-father's substance abuse, finding that respondent-father minimized the issue, even though it would pose a significant safety concern if the child were returned to his care. Further, the trial court recognized respondent-father's history of domestic violence, which it found potentially harmful to the child. Finally, the trial court considered respondent-father's failure to successfully complete the case service plan, which, unlike service plans in other cases, was "not . . . extremely burdensome."

On appeal, respondent-father argues that the trial court's decision was erroneous because (1) he loves the child, (2) he has the requisite parenting skills to provide for the child's needs, as demonstrated by the well-being of other children that he raised previously, (3) he shares a bond with the child, (4) he participated in and benefitted from the services provided in this case, as he

has housing, has income, continues to participate in counseling, and is no longer involved "in a domestic relationship," and (5) he can provide permanence and stability for the child.

Contrary to respondent's claims, the trial court's findings were not clearly erroneous. The record shows that respondent-father's bond with the minor child was outweighed by the child's need for safety, permanency, and stability. See *In re VanDalen*, 293 Mich App 120, 141; 809 NW2d 412 (2011) (stating that a trial court may consider a child's need for stability and permanency); *In re LE*, 278 Mich App 1, 29-30; 747 NW2d 883 (2008) (stating that a strong bond between a respondent and his child may be outweighed by other considerations in determining a child's best interests). Respondent-father failed to demonstrate that he could provide a safe environment for the child. He downplayed his substance abuse problems, describing his issue as a "problem with people," despite the fact that he provided positive drugs screens on multiple occasions throughout the proceedings, including in the week prior to the termination hearing.[8] His significant history with Ottagan Addiction Recovery, a substance abuse treatment facility that refused to provide services to him in this case due to his failure to successfully complete previous treatment programs, revealed an ongoing lack of commitment to rectify his substance abuse issues. Moreover, the DHHS caseworker testified that she often had concerns about respondent-father's sobriety during his supervised visits with the child, noting significant differences in his interactions with the child depending on whether he was sober. Likewise, given these observations, she voiced concerns about the child's safety if respondent-father was permitted to care for the child in an unsupervised environment in the future.

Furthermore, respondent-father had a long, unresolved history with domestic violence, both in his relationship with respondent-mother as well as during prior relationships, which he failed to fully acknowledge, and continually justified, throughout the proceedings. The record confirms the trial court's finding that his history of domestic violence was potentially harmful to the child, especially in light of the fact that the record includes no indication that respondent-father derived any substantial benefit from counseling during the pendency of this case. Likewise, the mere fact that he was no longer in a relationship with respondent-mother at the time of the termination hearing does not conclusively show that he resolved his domestic violence issues, especially given the fact that there was no indication that he resolved his anger issues through counseling.

Given this evidence, it is unlikely that respondent-father would be able to provide the permanency and stability that the child deserved in the foreseeable future, if at all. See *Frey*, 297 Mich App at 248-249. Further, the record shows that the minor child was doing well in foster care, and that the child's best interests would not be served by a further delay in providing permanency in order to allow additional time for respondent-father to rectify his issues.

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[8] In light of respondent-father's argument concerning the admissibility of his drug screen results *supra*, we note that the trial court may consider *all* relevant evidence in the record, whether legally admissible or not, when considering the best interests of a child. See MCR 3.973(A), (E)(2); MCR 3.977(H)(2); *In re White*, 303 Mich App at 713 ("The trial court should weigh all the evidence available to determine the children's best interests.").

Therefore, the trial court did not clearly err in finding that termination of respondent-father's parental rights was in the best interests of the child.

III. DOCKET NO. 330493

Next, in Docket No. 330493, respondent-mother's sole argument is that the trial court erred in finding that a statutory ground for termination had been proven by clear and convincing evidence. We disagree.

A. STANDARD OF REVIEW

In order to terminate parental rights, the trial court must find that a statutory basis for termination under MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Moss*, 301 Mich App 76, 80; 836 NW2d 182 (2013). "This Court reviews for clear error the trial court's factual findings and ultimate determinations on the statutory grounds for termination." *In re White*, 303 Mich App at 709.

B. ANALYSIS

The trial court terminated respondent-mother's parental rights under MCL 712A.19b(3)(c)(*i*) and (g), which provide as follows:

> (3) The trial court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, 1 or more of the following:
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> * * *
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> (c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds . . .
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> (*i*) The 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.
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> * * *
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> (g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

With regard to MCL 712A.19b(3)(c)(*i*), the trial court found that respondent-mother made significant progress on her substance abuse issues, but she did not rectify the other conditions that led to adjudication, *i.e.*, a lack of housing and domestic violence in the home. It specifically noted that despite the efforts of DHHS, respondent-mother failed to secure stable and appropriate housing for the minor child. Additionally, it referenced respondent-mother's history of domestic violence with respondent-father and other romantic partners. Notably, it found that

respondent-mother was "at least partially responsible for instigating" some of the domestic violence incidents between her and respondent-father during this case, and that respondent-mother had acted in a volatile and violent manner toward DHHS staff. It also found that she had not consistently complied with the case service plan established by petitioner and, therefore, had not rectified the conditions leading to adjudication. Additionally, it concluded that there was no reasonable likelihood that the conditions would be rectified within a reasonable time considering the child's age.

The record supports the trial court's findings. Termination is proper under MCL 712A.19b(3)(c)(*i*) when "the totality of the evidence" shows that a respondent failed to accomplish "any meaningful change in the conditions" that led to adjudication. *In re Williams*, 286 Mich App at 272. As demonstrated by her negative drug screens and the caseworker's testimony, respondent-mother rectified her substance abuse issues. Nevertheless, her issues with housing and domestic violence continued to exist at the time of the termination hearing. Respondent-mother did not have suitable housing to which the child could return. Although she claims that she was in a "catch-22" with respect to housing and had little choice but to live with respondent-father, this claim is not supported by the record. The caseworker testified that she had "an ongoing conversation with [respondent-mother]" regarding her lack of housing. Nevertheless, respondent-mother declined the caseworker's offers of assistance, including transportation throughout the city in order to seek housing, and she did not comply with a referral to the Holland Rescue Mission for housing. Moreover, respondent-mother did not attempt to find housing on her own until very late in the proceedings, and respondent-father, not respondent-mother, was the one who secured a spot for her on a waiting list for a housing voucher through Good Samaritan Ministries.

Additionally, respondent-mother failed to meaningfully address her longstanding history of domestic violence with multiple partners, which included an incident that led to her conviction for arson in 2010. Although moving out of respondent-father's home was a positive step for her, there is no other evidence of her progress, especially given the "constant fighting" that occurred between the respondents, even following their separation. She also expressly confirmed at the termination hearing that she was unable to provide permanence and stability for the minor child at that time.

Furthermore, contrary to respondent-mother's claims on appeal, there is no indication that she would have been able to rectify those conditions within a reasonable time considering the child's age. MCL 712A.19b(3)(c)(*i*). During the termination proceedings, the minor child, who had been removed from respondents' care as a newborn, was approximately 15 months old. Respondent-mother's own testimony established that it would be, at a minimum, several months before she could obtain suitable housing. Cf. *In re Williams*, 286 Mich App at 272-273. Further, even if she were to obtain housing, it is uncertain when she would be able to resolve the domestic violence concerns. Given her inconsistent participation in counseling services throughout the proceedings, there is no basis for concluding that she would make a meaningful change if given more time. Because the child could not wait an indefinite time for her to

improve, see *In re Dahms*, 187 Mich App 644, 647; 468 NW2d 315 (1991), the trial court did not clearly err in terminating respondent-mother's parental rights under MCL 712A.19b(3)(c)(*i*).[9]

Respondent-mother also claims that termination was improper under MCL 712A.19b(3)(c)(*i*) because she was not afforded a "full and fair opportunity" to resolve her housing-related issues. In support of this claim, she relies on *In re Newman*, 189 Mich App 61, 65-68; 472 NW2d 38 (1991), but that case is distinguishable from the instant case. In *Newman*, the respondents "demonstrated over the course of time an ability and willingness to learn" how to provide suitable housing, but the individual assigned by the petitioning agency to instruct the respondents refused to continue providing assistance and training due to the uncleanliness of the home. *Id.* at 66. Here, as mentioned *supra*, the DHHS caseworker offered housing-related assistance, and respondent-mother was referred to the Holland Rescue Mission for housing, but she failed to take advantage of either service.[10] Even though she was only without housing for a couple of months before the termination proceedings, there is no indication that she would have been able to rectify that condition—was well as her domestic violence issues—within a reasonable time so that the child could be returned to her care.

Accordingly, the trial court did not clearly err in finding a statutory basis for termination under MCL 712A.19b(3)(c)(*i*) and (g).

IV. CONCLUSION

In Docket Nos. 330372 and 330493, respondents have failed to establish that any of the claims of error raised on appeal warrant reversal of the order terminating their parental rights.

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[9] Only one statutory ground must be established to support termination of a respondent's parental rights. *In re Foster*, 285 Mich App 630, 633; 776 NW2d 415 (2009). Nevertheless, as the trial court concluded, termination was also proper under MCL 712A.19b(3)(g) for the same reasons. A parent's failure to comply with a case service plan can be evidence of the parent's inability to provide proper care and custody. See *In re Trejo*, 462 Mich 341, 360 n 16, 360-361; 612 NW2d 407 (2000), abrogated in part by statute on other grounds as stated in *In re Moss*, 301 Mich App 76, 83 (2013); see also *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003). Given respondent-mother's lack of progress in addressing the housing and domestic violence issues, as demonstrated by her failure to consistently comply with her case service plan, the trial court did not clearly err in concluding that she could not provide proper care or custody for the 15-month-old child.

[10] To the extent that respondent-mother suggests that the housing-related services offered by DHHS were insufficient in this case, we reject such a claim. The record clearly shows that petitioner offered numerous services, but respondent-mother failed to fulfill her "commensurate responsibility" to participate in the services offered by DHHS. See *Frey*, 297 Mich App at 248 (although the petitioner "has a responsibility to expend reasonable efforts to provide services to secure reunification, there exists a commensurate responsibility on the part of [the] respondents to participate in the services that are offered").

Affirmed.

/s/ Michael J. Riordan
/s/ Henry William Saad
/s/ Jane E. Markey