

STATE OF MICHIGAN  
COURT OF APPEALS

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*In re* N. A. ATKINSON, JR., Minor.

UNPUBLISHED  
September 13, 2016

No. 331972  
St. Clair Circuit Court  
Family Division  
LC No. 12-000178-NA

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Before: CAVANAGH, P.J., and SAAD and FORT HOOD, JJ.

PER CURIAM.

Respondent appeals as of right from an order terminating her parental rights to her son, NA, pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Respondent argues that the trial court erred in finding statutory grounds for termination. We disagree. “To terminate parental rights, a trial court must find by clear and convincing evidence that at least one statutory ground under MCL 712A.19b(3) has been established.” *In re Moss*, 301 Mich App 76, 80; 836 NW2d 182 (2013). “We review for clear error a trial court’s finding of whether a statutory ground for termination has been proven by clear and convincing evidence.” *Id.*; see also MCR 3.977(K). “A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court’s special opportunity to observe the witnesses.” *In re Moss*, 301 Mich App at 80.

The trial court terminated respondent’s rights under MCL 712A.19b(3)(c)(i), (g), and (j), which permit termination under the following circumstances:

(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 either of the following:

(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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(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.

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(j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

The trial court did not err in finding that termination was proper pursuant to MCL 712A.19b(3)(c)(i) and (g). Respondent's case had spanned almost two years at the time of termination. At the time of adjudication, the concerns surrounding respondent included domestic violence, anger management, parenting skills, and home management. Unfortunately, respondent was not able to make significant progress toward rectifying these concerns. At the termination hearing, multiple individuals who had worked with respondent testified that she continued to struggle with anger management, parenting skills, and home management. Respondent regularly missed appointments, failed to follow through with scheduling appointments, and exhibited angry outbursts and combative behavior with her caseworker. While respondent had acquired housing two weeks before the termination hearing, she had a history of unstable and inadequate housing, and failed to maintain an adequate legal source of income. Respondent had also tested positive for drugs as recently as November 2015.

While there was testimony that respondent was improving, and that many of her problems related to her young age, that testimony does not negate the evidence that respondent's problems continued to exist or remedy her overall noncompliance with the parent-agency agreement. "[A] parent's failure to comply with the parent-agency agreement is evidence of a parent's failure to provide proper care and custody for the child." *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003). Further, the conflicting testimony regarding respondent's progress relates to credibility, which is a determination left to the trier of fact. *In re Fried*, 266 Mich App 535, 541; 702 NW2d 192 (2005). Accordingly, we reject respondent's claim. Additionally, while the trial court also found that termination was proper pursuant to MCL 712A.19b(3)(j), only one statutory ground for termination is required, so it is unnecessary for us to address this statutory ground.

Respondent briefly mentions that the trial court's best-interests determination amounted to clear error because respondent and the child were bonded. *In re Olive/Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012); MCL 712A.19b(5). Although not properly raised, see *People v Anderson*, 284 Mich App 11, 16; 772 NW2d 792 (2009), we note that, based on the record, the trial court did not err in deciding that the child's need for permanency and stability, which could not be provided by respondent due to her lack of improvement, her lack of understanding, and her anger, outweighed the bond between respondent and the minor child.

Affirmed.

/s/ Mark J. Cavanagh  
/s/ Henry William Saad  
/s/ Karen M. Fort Hood