

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
July 31, 2012

In the Matter of E. G. PRICE, JR., Minor.

No. 306596
Ingham Circuit Court
Family Division
LC No. 09-001151-NA

Before: GLEICHER, P.J., and SAAD and BECKERING, JJ.

PER CURIAM.

Respondent appeals the trial court's order that terminated her parental rights to the minor child under MCL 712A.19b(3)(c)(i). For the reasons set forth below, we affirm.

Petitioner sought termination of respondent's parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). The trial court ruled that petitioner failed to present clear and convincing evidence that termination was warranted under § § 19b(3)(g) or (j), but did find clear and convincing evidence to support termination under § 19b(3)(c)(i). 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 Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010); *In re B & J*, 279 Mich App 12, 17; 756 NW2d 234 (2008). The trial court must then order termination of parental rights if it finds that termination is in the child's best interests. MCL 712A.19b(5). This Court reviews for clear error the trial court's factual findings as well as its ultimate decision that clear and convincing evidence supports a statutory ground for termination. MCR 3.977(K); *In re Mason*, 486 Mich at 152. A finding is clearly erroneous when, although there is evidence to support it and giving due regard to the trial court's opportunity to observe the witnesses, the reviewing court is left with the definite and firm conviction that a mistake has been made. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The conditions that led to the adjudication of the minor child included respondent's drug use, criminal activity, and her history with Children's Protective Services. Undisputed evidence showed that respondent continued to use drugs after the adjudication and tested positive for marijuana and cocaine. After the filing of the supplemental petition, respondent tested positive on two occasions for a synthetic drug, K2. There is also no dispute that respondent continued to engage in criminal activity after the adjudication. A short time after the child was removed, respondent was charged with breaking and entering her former workplace and was convicted of

her seventh felony. Six months after her release from jail for this conviction, respondent was charged with a probation violation stemming from her illegal use of K2.

To hold that Section 19b(3)(c)(i) has been satisfied, the court must find not only that the conditions that led to the adjudication continue to exist, but that those conditions would not likely be rectified within a reasonable time considering the age of the child. Respondent was diagnosed with depression, anxiety, posttraumatic stress disorder (PTSD), and dependent personality disorder. She continued to use illegal substances before, during, and after her pregnancy with the minor child, with the exception of when she was incarcerated for numerous theft-related offenses and probation violations. Moreover, respondent began to date a convicted sex offender who committed sex crimes against minors. Respondent refused to end the relationship despite the clear and obvious danger to her children. Respondent also chose to stay in the relationship despite its impact on her ability to reunite with her son, which is strikingly similar to her decision in a previous relationship when she was about to be reunited with her older daughter. The services provided to respondent were designed to help her learn to put her children's needs above her own. By choosing to date a sex offender, despite knowledge that the relationship would interfere with her ability to reunite with her child, respondent demonstrated that she places her own selfish interests above the welfare of her child. Testimony showed that respondent may require a year of intensive therapy outside of a relationship to demonstrate whether she is able to parent on her own. Such therapy could not occur until after she ended her relationship with the sex offender and after she was released from yet another jail term. The trial court did not clearly err in holding that the conditions that led to adjudication continue to exist and that there is no reasonable likelihood that the conditions would be rectified within a reasonable time considering the age of the child.

Respondent also claims the trial court erred in holding that termination of her parental rights is in the best interests of the child. According to respondent, she visited the child regularly, she acted appropriately, and she was forming a close relationship with the toddler. This Court reviews for clear error a trial court's decision that termination of parental rights is in the child's best interests. MCR 3.977(K); *In re Jenks*, 281 Mich App 514, 516-517; 760 NW2d 297 (2008). We agree that the evidence suggests that respondent's visitation was appropriate. However, we disagree with her assessment that she and the young child were forming a close relationship. At most, the evidence established that the toddler was becoming comfortable around respondent when she visited consistently. However, when there was a break in visitation the child was no longer comfortable with respondent. Further, the child did not look to respondent for comfort and caretaking, but to the foster mother. Even respondent stated that she did not think that the child knew that she was his mother. This child had been in foster care for nearly his entire life, and was in need of security and stability. Respondent was unwilling to make the proper choices to provide that security and stability for her child, and, therefore, termination of respondent's parental rights was in the best interests of the child.

Affirmed.

/s/ Elizabeth L. Gleicher

/s/ Henry William Saad

/s/ Jane M. Beckering