

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
August 9, 2012

In the Matter of JONES, Minors.

No. 307574
Berrien Circuit Court
Family Division
LC No. 2010-000114-NA

Before: SHAPIRO, P.J., and HOEKSTRA and WHITBECK, JJ.

PER CURIAM.

Respondent mother appeals as of right the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(i), (c)(i), (g), and (j).¹ We affirm.

Respondent mother challenges the termination of her parental rights to her three children and contends that the evidence was insufficient for the trial court to find the statutory bases for termination were met and that the termination was not in the best interests of the children. “In order to terminate parental rights, the court must find that at least one of the statutory grounds set forth in MCL 712A.19b has been met by clear and convincing evidence.” *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005). The trial court must also find that the termination is in the best interests of the minor child. *In re Rood*, 483 Mich 73, 102 n 43; 763 NW2d 587 (2009), citing MCL 712A.19b(5). We review “for clear error both the [trial] court’s decision that a ground for termination has been proven by clear and convincing evidence and . . . the [trial] court’s decision regarding the child’s best interest.” *In re Fried*, 266 Mich App at 541 (quotation omitted). “A circuit court’s decision to terminate parental rights 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 JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

¹ These provisions list as grounds for terminating parental rights, failure to prevent injury or sexual abuse and reasonable likelihood of future abuse if returned, MCL 712A.19b(3)(b)(i); conditions that led to adjudication continue to exist without prospect of improvement, MCL 712A.19b(3)(c)(i); failure to provide proper care or custody, MCL 712A.19b(3)(g); and reasonable likelihood that the children will be harmed if returned, MCL 712A.19b(3)(j).

The principal condition that led to the adjudication was respondent mother's failure to protect one of the minor children from being sexually abused by respondent mother's live-in boyfriend. Respondent mother was also unable to provide adequate housing. While respondent mother participated in her services plan, at the time of the termination hearing, she had still failed to meet the requirement that she recognize and accept her failure to protect one of the minor children from sexual abuse. In spite of respondent mother's denials, the trial court found that her daughter had told her about the abuse and that she simply refused to accept it. This finding was not clearly erroneous. Further, respondent mother continued to be without adequate housing for the minor children and there appeared to be no reasonable prospect of such housing being obtained within a reasonable time. Given respondent mother's continued failure to acknowledge the sexual abuse against her daughter, the trial court did not clearly err in finding grounds for termination, including that a reasonable likelihood existed that abuse would occur again, that the conditions that led to the adjudication continued to exist, that respondent mother was unable to provide proper care and custody, and that there was a reasonable likelihood of harm if the minor children were returned to respondent mother's care. See *In re Fried*, 266 Mich App at 541.

Further, the trial court did not clearly err in finding that termination of respondent mother's parental rights was in the children's best interests. MCL 712A.19b(5). Although the evidence demonstrated the children had a bond with their mother, respondent mother was unable to progress in accepting her failure to respond properly to allegations of sexual abuse. Further, respondent mother continued to be without adequate housing for the minor children. See *In re Fried*, 266 Mich App at 541.

Affirmed.

/s/ Douglas B. Shapiro
/s/ Joel P. Hoekstra
/s/ William C. Whitbeck