STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of CRYSTAL TYLER, a Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

AMY ANNE TYLER,

Respondent-Appellant,

and

ROBERT TYLER,

Respondent.

UNPUBLISHED
February 29, 2000

No. 218978
Iosco Circuit Court
LC No. 95-012905-NA

Before: Whitbeck, P.J., and Hoekstra and Owens, JJ.

PER CURIAM.

Respondent-appellant ("respondent") appeals as of right from the order of the Family Division of the Iosco Circuit Court terminating her parental rights to the minor child under MCL 712A.19b(3)(b)(*i*), (c)(*i*), (g) and (m); MSA 27.3178(598.19b)(3)(b)(*i*), (c)(*i),* (g) and (m). We affirm.

Respondent's two daughters, Crystal, age five months, and Cathy, age twelve years, were placed in foster care in December 1995 in response to allegations that respondent had attempted to drown five-month-old Crystal and herself in the bathtub "in an apparent covenant with God." In

addition, the petition alleged that respondent was admitted the next day to the University of Michigan Psychiatric Hospital for a bi-polar disorder and that she had a history of psychiatric problems with two known prior hospitalizations.

At the pre-trial hearing on March 27, 1996 (which apparently had been delayed due to respondent's psychiatric hospitalization) respondent entered a plea to an amended petition. The Court accepted her plea to having Crystal "in the bathtub in a position of endangerment with respect to her mental state at the time" and being admitted the next day to the University of Michigan Psychiatric Hospital for a bi-polar disorder. A dispositional hearing was held immediately and respondent was ordered to comply with the Parent/Agency Agreement which had been prepared. Review hearings were held and the dispositional order amended from time to time in an apparent attempt by the Court to improve the chances for a reunification of the respondent and her children.

At the review hearing of June 28, 1996, the Court ordered an assessment of the respondent's ability to parent and ordered the Family Independence Agency ("FIA") to assist her in finding housing. At the December 23, 1996 reviewing hearing, the Court ordered homemaker services for respondent and expanded visitation with the child. A permanency planning hearing was commenced April 25, 1997 at which the Court ordered a psychological evaluation of respondent. It appears the parties waived the completion of the permanency planning hearing on that date as well as at the subsequent review hearings in July, October, January and April.

A permanency planning hearing was commenced May 8, 1998, at which time the Court received testimony from five witnesses. The hearing was continued until May 14, 1998 for the testimony of an additional six witnesses, including the respondent and her daughter Cathy. The judge found that there was a risk of harm to Crystal in spite of the fact that respondent had complied substantially with the treatment plan. Even though the judge found that there was a risk of harm to the child if returned to respondent, the judge wished to give respondent additional time to demonstrate her ability to safely care for the child. Therefore, the judge ordered a psychological evaluation of respondent, ordered her to take medication and participate in counseling, and ordered visits with Crystal to be greatly expanded. He continued the permanency planning hearing to June 25, 1998 to observe the respondent's progress. The judge also ordered a termination of parental rights petition to be filed with regard to Cathy. On August 27, 1998, the respondent voluntarily released her parental rights to Cathy and Cathy's father's rights were involuntarily terminated.[1]

Following the continued permanency planning hearing on June 25, 1998, the permanency planning hearing was continued to September 25, 1998. At that time, the judge found that even though the respondent had substantially complied with the treatment plan and had greatly improved her self-esteem, personal hygiene, and living arrangement, there remained a substantial risk of harm to Crystal due to "inappropriate language, inappropriate hitting, inappropriate parenting, poor hygiene, and marginal health care," among other things. As a result, pursuant to MCL 712A.19a; MSA

27.3178(598.19a), the judge ordered the FIA to file a petition to terminate the parental rights of Crystal's parents. The petition was filed November 6, 1998 and the hearing on the petition was held January 6 and 8, 1999. The judge issued an opinion and order making extensive findings of fact and conclusions of law on April 1, 1999, in which he terminated the rights of respondent and Crystal's father. [2]

With respect to the respondent, the petition alleged that respondent's parental rights should be terminated under the following provisions of MCL 712A.19b(3); MSA 27.3178(598.19b)(3):

> (b) The child or a sibling of the child has suffered physical injury or physical or sexual abuse under either of the following circumstances:
>
> (*i*) The parent's act caused the physical injury or physical or sexual abuse and the court finds that there is a reasonable likelihood that the child will suffer from injury or abuse in the foreseeable future if placed in the parent's home.
>
> * * *
>
> (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 continued to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.
>
> * * *
>
> (i) Parental rights to 1 or more siblings of the child have been terminated due to serious and chronic neglect or physical or sexual abuse, and prior attempts to rehabilitate the parents have been unsuccessful.[3]
>
> * * *
>
> (m) The parent's rights to another child were voluntarily terminated following the initiation of proceedings under section 2(b) of this chapter or a similar law of another state.

I

Respondent's first issue concerns not the termination of her parental rights, but the refusal of the court to return Crystal to her at the conclusion of the permanency planning hearing held the year before. She alleges that the court's refusal to return the child at the conclusion of the permanency planning hearing was clearly erroneous. We disagree.

Respondent more specifically argues:

> In this case, the court should have returned Crystal to Appellant at the conclusion of the hearing in May 1998 because there was no evidence that the child would be at any substantial risk of harm if returned to her mother and the court did not make such a finding . . . ."

Respondent's argument is based primarily on the fact that while the statute requires a "substantial risk of harm," the judge only found a "risk of harm" to the child if returned to the mother. While it is true that the judge did not use the word "substantial" in describing the risk of harm, such a finding was not required until the conclusion of the permanency planning hearing which did not occur until September 25, 1998. The permanency planning hearing was commenced on May 8, continued on May 14 and June 25, and concluded on September 25, 1998. In addition, the court only speaks through its written orders[4] and in the opinion and order dated October 18, 1998, the judge clearly found a "substantial risk of harm" to the child.

Therefore, respondent's argument fails on at least two grounds: first, the permanency planning hearing did not conclude on May 14, 1998, and second, following the conclusion of the permanency planning hearing in September of 1998, the judge did find a substantial risk of harm to the child.

It is true that following the May 14, 1998 portion of the permanency planning hearing, the judge signed an order entitled "Order Following Permanency Planning Hearing." One might be tempted to conclude from reading the title of the order that the permanency planning hearing had been concluded; that it had not is shown by the final sentence of the order which clearly states: "IT IS FURTHER ORDERED a continuation of this hearing is scheduled on 6/25/98 at 10:00 a.m."

Respondent further alleges that because "the statute mandates that the court view a failure to substantially comply with the terms and conditions of the parent agency agreement[5] as evidence that the child would be at substantial risk of harm if returned, the reverse should also be true, that evidence of substantial compliance with the parent agency agreement should be taken as evidence that the child would not be at substantial risk of harm if returned to the parent." We find that the reverse is not necessarily true. A parent may substantially comply with a case service plan (or parent agency agreement) by physically attending parenting classes, by taking medication, and by cleaning up the home, but may not have actually changed his or her child-raising techniques or personality or his or her mental illness may not have been cured.

A parent's compliance with the case service plan is certainly evidence to be considered and weighed by the court; it does not rise to the level of a mandatory presumption absent a statutory provision, however. Substantially complying with a case service plan is necessary, but not sufficient, to demonstrate that a parent now possesses the skills to adequately and safely parent a child. The statute merely sets out a circumstance which requires a finding of substantial risk absent sufficient evidence to the contrary; that is, if a neglectful or abusive parent does not even comply with the case service plan, how can there be any expectation that he or she has made substantial changes in his or her parenting style?

Finally, with regard to respondent's allegations that there was "no evidence" that the child would be at a substantial risk of harm if returned to her, we are guided by MCR 2.613(C) which provides that "findings of fact by the trial court may not be set aside unless clearly erroneous. In the application of this principle, regard should be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it." While at the permanency planning hearing there certainly was evidence favorable to respondent, including the progress she had made regarding her own self-esteem and self-care, there was also evidence from which, if believed, the court could conclude that there was still a substantial risk of harm to the child if returned to respondent's custody. As a result, we are unable to conclude that the judge's finding of a substantial risk of harm to the child was clearly erroneous.

II

For her second argument, respondent alleged that the court erred when it refused to allow questioning of respondent's apartment manager and the child's foster mother regarding an alleged telephone call from the foster mother to the apartment manager. We disagree.

This Court reviews a trial court's evidentiary decisions for an abuse of discretion. *People v Brownridge*, 459 Mich 456, 460; 591 NW2d 26 (1999). "An abuse of discretion exists only if an unprejudiced person, considering the facts on which the trial court acted, would say that there was no justification or excuse for the ruling." *People v Laws*, 218 Mich App 447, 455; 554 NW2d 586 (1996). A "decision on a close evidentiary question by definition ordinarily cannot be an abuse of discretion." *People v Golochowicz*, 413 Mich 298, 322; 319 NW2d 518 (1982).

For the apartment manager to testify to a telephone call from the foster mother for the purpose of attacking the credibility of the foster mother is not permissible pursuant to MRE 608(b)[6], because it would constitute an attempt to attack a possible future witness's credibility through extrinsic evidence of a specific incident of conduct of the witness. It would have been permissible, however, to question the foster mother regarding a telephone call that she made had the foster mother not been present during other testimony in violation of the court's sequestration order.

III

The remaining issues concern the termination of respondent's parental rights to the child. In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). This Court reviews the trial court's findings of fact for clear error. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). A finding is clearly erroneous if the reviewing court is left with a definite and firm conviction that a mistake has been made. *Id.* This Court defers to the special ability of the trial court to judge the credibility of the witnesses. *Id.*

With regard to the termination of her parental rights, respondent first alleges that the termination of her rights under MCL 712A.19b(3)(b)(*i*); MSA 27.3178(598.19b)(3)(b)(*i*) was clearly erroneous because "there was no credible evidence that Appellant had ever caused physical injury to either of her

children, nor was she responsible for any abuse of the children" and that "there was no reasonable likelihood that the child would suffer from injury or abuse in the foreseeable future if she was returned to Appellant." We agree.

MCL 712A.19b(3)(b)(*i*); MSA 27.3178(598.19b)(3)(b)(*i*) provides:

> (3) The 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:
>
> * * *
>
> (b) The child or a sibling of the child has suffered physical injury or physical or sexual abuse under either of the following circumstances:
>
> (*i*) The parent's act caused the physical injury or physical or sexual abuse and the court finds that there is a reasonable likelihood that the child will suffer from injury or abuse in the foreseeable future if placed in the parent's home.

There is no evidence of sexual abuse of either of respondent's children.

While it is true that evidence of how a parent treats one child is probative of how that parent may treat other children, *In the Matter of LaFlure*, 48 Mich App 377, 392; 210 NW2d 482 (1973), and while there was evidence in the record offered by Cathy Tyler of significant physical abuse by respondent, the judge did not make findings of fact concerning that testimony.

Therefore, the question remains whether Crystal was physically injured or abused. While there was some evidence that Crystal had occasional bruises and a cut lip, the only facts that the judge cited in finding clear and convincing evidence warranting termination under this section of the code was that "Crystal was the recipient of severe abuse at the hands of her mother on December 5, 1995."

While the initial petition certainly alleged such physical abuse (there is no question that the child was not injured on that date), that allegation was never substantiated. Instead, as part of a plea agreement, respondent admitted to having Crystal "in the bathtub in a position of endangerment with respect to her mental state at the time." That ground for jurisdiction clearly sounds in neglect and not abuse.

While the judge may have reasonably feared that the child could in the future suffer the sort of abuse which had been alleged, though not proven, in the original petition if respondent went off her medication and suffered from a psychotic episode, the statute requires not only a reasonable likelihood of future abuse, but that past abuse of the child or a sibling has occurred. Such was never found in this case with respect to the sibling and was erroneously found with respect to the child.

As a result, we find clear error in the finding of the trial court that there were facts sufficient to justify terminating respondent's parental rights pursuant to MCL 712A.19b(3)(b)(*i*); MSA 27.3178 (598.19b)(3)(b)(*i*).

IV

Respondent next argues that termination of her parental rights under MCL 19b(3)(c)(*i*); MSA 27.3178(598.19b)(3)(c)(*i*), was clearly erroneous because she never had another schizophrenic episode after the incident which brought the children to the court's attention. We agree, although for a different reason.

MCL 712A.19(3)(c)(*i*); MSA 27.3178 (598.19b)(3)(c)(*i*) provides:

> (3) The 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:
>
> * * *
>
> (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 age of the child.

It is true that Amy Tyler was a respondent in a proceeding brought under the juvenile code and that 182 or more days had elapsed since the issuance of the initial dispositional order. The question is whether the conditions that lead to the adjudication continued to exist and whether there was no reasonable likelihood that they would be rectified within a reasonable time considering the age of the child.

The condition that lead to the adjudication was the endangerment of the infant child as a result of respondent's mental illness. The child has not since been placed in similar situation by respondent, and while respondent remains mentally ill, her mental illness is under control with medication. However, the judge was clearly concerned about the potential for future harm to the child, stating that "as long as the treatment is continued and monitored the chronic schizophrenia and bi-polar disorder will remain under control. If treatment is ceased, the disorder will again take its toll on Amy." Notwithstanding his concern about possible future harm to the child, in his opinion the judge stated that "the mental health of Amy is not the reason for termination." The judge cited the remarkable progress she had made with regard to her own self-care.

Therefore, we find that while the condition that led to the adjudication (mental illness which caused the endangerment of the child in the bathtub) continues to exist in that the mental illness is under control with medication but not cured, the judge acknowledged that the mental health of respondent was

not the reason for termination. In addition, we believe there was insufficient evidence that would justify a finding that there was "no reasonable likelihood that the conditions will be rectified within a reasonable time considering the age of the child" in light of the long period of time respondent has remained on medication.

Therefore, we find that there was clear error in the determination that respondent's rights should be terminated under MCL 712A.19b(3)(c)(*i*); MSA 27.3178(598.19b)(3)(c)(*i*).

V

Respondent next alleges that the court's decision to terminate her parental rights under MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g) was clearly erroneous. We disagree.

MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g) provides:

> (3) The Court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, one or more of the following:
>
> * * *
>
> (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.

While it is clear from the evidence and the court's findings that respondent's self-care had dramatically improved during the time the child was under the jurisdiction of the court, we find that there was sufficient evidence from which, if believed, the court could conclude that there was clear and convincing evidence that respondent had failed at the time of the incident leading to the adjudication, and continued to fail throughout the period of court's jurisdiction, to provide proper care and custody for the child, and that, given respondent's abilities, there was no reasonable expectation that she would be able to provide proper care and custody within a reasonable time considering the very young age of the child and the fact that the child had been in foster care for most of her life. We acknowledge that the evidence regarding this ground is not overwhelming and that the question is close. Were we the triers of fact, we might even have come to a different conclusion. However, the issue is whether the judge's decision was clearly erroneous.

The judge made thoughtful and detailed findings of fact in his opinion. Many of the facts he found were very much in respondent's favor. For example, he found that respondent takes her medicine; that she exhibits no signs of schizophrenia; that she keeps her appointments with her therapist; that her affect has improved; that she has become a better housekeeper; that she was still working on her weight control, hormonal balance, parenting skills, sleep apnea, and hygiene skills; that she pays her bills and keeps her apartment clean; that she loves her child; and that she is generally cooperative, among other things.

However, being able to care for one's self, especially with the help of medication and numerous support services, is not the same as being able to care for a very young child. The issue in this case is not whether respondent has improved in her own self-care, but whether she possesses those parenting skills necessary to raise her young child Crystal in a non-neglectful and non-abusive way. The judge gave her great credit for the progress she made and during the course of the case continually gave her additional time and ordered additional visits in an aggressive attempt to help her succeed in achieving the return of her child. It is clear from the record that the judge was working toward the return of her child and did everything possible to help her achieve that end. Given the statutory preference, as expressed in MCL 712A.19a, that in most cases children should either be returned home or termination proceedings commenced approximately twelve months after the initial dispositional hearing, the judge could be criticized for giving respondent too much time since he ordered the filing of the termination petition approximately thirty months after the initial dispositional order. We do not, however, criticize him for this delay, even though it has delayed the permanent placement of the child, because respondent was making substantial progress and it was reasonable to hope that she would succeed in achieving the return of her child Crystal.

Based on all of the evidence available to him, the judge concluded that notwithstanding her personal progress, respondent, after two and one-half years of work, remained unable to parent her child in a minimally adequate way. He found that respondent remained unable to anticipate the needs of the child, especially dangers in the home to the child, such as the need for a towel or bath mat on a wet bathroom floor when the child gets out of the tub. He further found that while respondent could (though she did not always do so) follow directions regarding child care, she rarely initiated proper child care on her own. He found that, despite all of the help, she did not comfort the child instinctively, did not have natural eye contact with the child, did not initiate play with the child, did not keep the child adequately clean, gave the child milk products even though the child was lactose intolerant (causing diarrhea on numerous occasions), spoke to the child in a harsh voice, yelled at the child, slapped the child, did not change the child's clothing appropriately, did not provide adequate visual or auditory simulation to the child, did not change the child's diaper even when reminded to do so, did not discipline the child well, touched the child very little, did not understand or have the ability to "process think" regarding the child's needs, did not nourish the child emotionally or educationally, caused or permitted the child to receive injuries while in her care, cursed at the child, and did not empathize, sympathize, or understand the needs of the child and lacked the understanding to even understand what a normal childhood problem was.

While it is easy to be sympathetic with a mentally ill person who tries hard to improve, good intentions are not sufficient to protect and care for a young child who cannot protect or care for herself. Love is not enough. Children need minimally adequate care.

Based on all of the evidence, we cannot conclude that the judge's finding that MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g) was proven by clear and convincing evidence is clearly erroneous. The judge was there, the judge observed respondent and the other witnesses, and the judge assessed their credibility. We will not substitute our judgment for that of the judge absent a

finding that his decision was clearly erroneous. *In re Miller, supra* at 337. We do not so find regarding this ground for termination.

VI

Respondent alleges that the termination of her rights under MCL 712A.19b(3)(m); MSA 27.3178(598.19b)(3)(m) was clearly erroneous because, although she had voluntarily terminated her parental rights to another child following the initiation of protective proceedings, she had presented evidence that the circumstances with regard to Crystal were different and termination would not be in the child's best interest. We disagree.

MCL 712A.19b(3)(m); MSA 27.3178(598.19b)(3)(m) provides:

> (3) The court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, one or more of the following:
>
> * * *
>
> (m) The parent's rights to another child were voluntarily terminated following the initiation of proceedings under section 2(b) of this chapter or a similar law of another state.

We note that this section does not require an adjudication that the other child, to whom parental rights were voluntarily terminated, was ever abused or neglected. All that is required is that child protection proceedings were initiated in this or another state concerning the other child and that parental rights were thereafter voluntarily terminated. However, in this case, there was an adjudication of neglect concerning the other child, although it did not involve direct neglect of the other child, Cathy, but prospective neglect under the legal principle that "how a parent treats one child is certainly probative of how that parent may treat other children." *In the Matter* of *LaFlure, supra* at 392; see also *In re Dittrick*, 80 Mich App 219, 222; 263 NW2d 37 (1977), citing *LaFlure*.

In this case, Cathy was not brought to the court's attention as a result of her own abuse or neglect, and her parent's parental rights were not voluntarily or involuntarily terminated before the initial petition regarding Crystal was filed, as would commonly be the case. However, there is nothing in the statute that requires that the other child be brought to the court's attention before the present child or that parental rights to the other child be terminated before the present child is brought to the court's attention. Therefore, it is our opinion that as long as the voluntary termination of parental rights to the other child preceded the filing (or amendment) of the termination petition regarding the present child, it matters not that both children were brought to the court's attention at the same time and for the same reasons.

In the case before us, respondent concedes that the statutory ground has been met. She argues, however, that the circumstances surrounding the voluntary release of Cathy were different then those concerning Crystal. Her argument is without merit. There is nothing in the law which requires the circumstances of the child who was voluntarily released and the child in question to be the same or even

similar. All that is required is a voluntary termination following the initiation of child protective proceedings concerning the prior child. The reasons may have been entirely different. As long as they sound in abuse or neglect, the statute is satisfied.

Respondent further argues that termination would not be in the child's best interest. As with the previous ground for termination under MCL 712A.19b(3)(g); MSA 27.3178(598.19b) (3)(g), the court is required to terminate parental rights if the ground has been proven by clear and convincing evidence unless the court finds termination of parental rights to the child is clearly not in the child's best interest.

Respondent argues that her rights should not be terminated because she does not feel the foster mother is capable of caring for Crystal by herself. This argument assumes that the foster mother will adopt Crystal or will keep her as a foster child for an extended period of time. The case law is clear that the court must concern itself only with the ability of the parent to properly care for his or her child; it is not permissible to consider the ability of any other prospective caregiver, be it foster parent, *Fritts v Krugh*, 354 Mich 97, 115; 92 NW2d 604 (1958), overruled on other grounds *In re Hatcher*, 443 Mich 426, 444 (1993), or prospective adoptive parent, *In re Mathers*, 371 Mich 516, 530; 124 NW2d 878 (1963), to care for the child.

Respondent finally argues that it would not be in Crystal's best interest for her parental rights to be terminated because:

> I am a loving mother and I believe that a mother can take care of her child better than anybody else and when she gets to be a teenager, what if she starts being rebellious and that, there'd be a chance of her being thrown out of the home . . . I would never throw my kids out of the home. They've always got a place to live.

These assertions are insufficient to establish that termination of respondent's parental rights to Crystal are clearly not in Crystal's best interest.

Therefore, in the absence of any evidence beyond respondent's belief that termination is not in her daughter's best interest, we find that the trial judge properly determined that there was insufficient evidence that termination of respondent's parental rights to the child was clearly not in the child's best interest[7].

Affirmed.

/s/ William C. Whitbeck
/s/ Joel P. Hoekstra
/s/ Donald S. Owens

[1] Neither the respondent nor the father have appealed the termination of their rights to Cathy.

[2] Crystal's father has not appealed the termination of his rights.

[3] It is unclear what happened to §19b(3)(i) and how §19b(3)(g) came to be substituted for it. The petition contained §19b(3)(i) but did not contain §19b(3)(g). During closing arguments, the respondent's attorney did not argue §19b(3)(i) and, in fact, stated that "the petitioner has alleged that there are three statutory provisions that would allow termination in this case," when in fact there were four. In his opinion and order following the termination hearing, the judge recited the four statutory grounds alleged, which include §19b(3)(i), but found that the four sections that were proven included §19b(3)(g). He did not mention what happened to subsection (i) or where subsection (g) came from. However, in their briefs, none of the parties mentioned §19b(3)(i) and all argued concerning §19b(3)(g). Since no parties ever objected to the court's considering §19b(3)(g), any error arising from a failure to amend the petition to allege §19b(3)(g) has been waived by the parties.

[4] *Tiedman v Tiedman*, 400 Mich 571, 576; 255 NW2d 632 (1977).

[5] The statute MCL 712A.19a(4), MSA 27.3178(19a)(4) actually refers to the "case service plan," the contents of which are specified in MCL 712A.18f(3); MSA 27.3178(18f)(3), not the "parent agency agreement." The parent agency agreement and case service plan may, or may not, be the same in a particular case.

[6] MRE 608(b) provides, in relevant part:

> (b) Specific instances of conduct. Specific instances of the conduct of a witness, for the purpose of attacking or supporting the witness' credibility, other than conviction of crime as provided in Rule 609, may not be proved by extrinsic evidence. They may, however, in the discretion of the court, if probative of truthfulness or untruthfulness, be inquired into on cross-examination of the witness (1) concerning the witness' character for truthfulness or untruthfulness, or (2) concerning the character for truthfulness or untruthfulness of another witness as to which character the witness being cross-examined has testified.

[7] In fact, the judge found to the contrary, that termination of respondent's parental rights to Crystal was in her best interest.