

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CECILIA HARWOOD, AMELIA
HARWOOD, GUADALUPE HARWOOD,
PATRICIA HARWOOD, GUADALUPE
HARWOOD JR., and JAY KJOLLER II, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

EVA HARWOOD,

Respondent -Appellant

and

GUADALUPE HARWOOD,

Respondent,

and

JAY KJOLLER,

Respondent.

UNPUBLISHED

January 26, 2001

No. 226456

Kent Circuit Court

Family Division

LC No. 98-001058-NA

Before: Wilder, P.J., and Hood and Cavanagh, JJ.

PER CURIAM

Respondent-appellant Eva Harwood appeals by leave granted from the family court order terminating her parental rights to the minor children under MCL 712A.19b(3)(a)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). We affirm.

Upon review of the record, we find that the family court did not clearly err in finding that statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Trejo Minors*, 462 Mich 341, 350; 612 NW2d 407 (2000); *In re Sours*; 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). This

Court reviews a trial court's factual findings in an order terminating parental rights for clear error. MCR 5.974(I); *In re Miller, supra* at 337; *In re Vasquez*, 199 Mich App 44, 51; 501 NW2d 231 (1993). A finding of fact is clearly erroneous if, although there is evidence to support it, the reviewing court is left with the definite and firm conviction that a mistake has been made. *In re Miller, supra*. Deference must be accorded to the trial court's assessment of the credibility of the witnesses before it. MCR 2.613(C); *In re Newman*, 189 Mich 61, 65; 472 NW2d 38 (1991). Once the trial court finds a statutory ground for termination by clear and convincing evidence, the court must terminate parental rights unless it finds, based on the whole record, that termination is clearly not in the best interests of the child. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo, supra* at 350; *In re Maynard*, 233 Mich App 438, 450-451; 592 NW2d 751 (1999).

Respondent's parental rights were terminated under subsection 19b(3)(c)(i) which provides that termination of parental rights is appropriate if the court finds, by clear and convincing evidence, that "[t]he parent was a respondent in a proceeding brought under this chapter, 182 days or more have elapsed since the issuance of an initial dispositional order, and . . . [t]he conditions that led to 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." MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i). In this case, the conditions that led to the initial adjudication were respondent's homelessness, lack of employment, her daughters' substantiated allegations of sexual abuse by their maternal grandfather while residing in their maternal grandparent's home, her failure to appreciate the severity of the sexual abuse and the impact it had on the children, and her failure to take adequate steps to protect her children from further abuse while in her care.

At the termination hearing eighteen months later, respondent still did not have adequate and stable housing for herself and the children. She had only recently become employed, but had not provided any pay stubs or other documentation verifying employment. Further, the foster care case manager and respondent's individual therapist, both of whom worked with respondent and her family throughout the pendency of this case, testified that after several months of group and individual therapy, respondent failed to accept any responsibility for the sexual abuse of her children at the hands of their grandfather while residing in their grandparent's home. Further, respondent failed to appreciate the effect that the abuse had on her children and the impact that the decisions in her own life had on her children. There was also evidence that respondent could not grasp the parenting skills necessary to protect her children from future harm in her care. Finally, the evidence indicated that respondent lacked the ability to effectively communicate with her children and provide emotional support and stability for them as they grow and mature. Given respondent's demonstrated inability and unwillingness to rectify the conditions that led to adjudication in this case after being offered numerous services and assistance, we conclude that the trial court did not err in finding that clear and convincing evidence supported termination of respondent's parental rights under subsection 19b(3)(c)(i).¹ Further, the family court's

¹ Because the family court properly terminated respondent's parental rights under subsection 19b(3)(c)(i) and only one statutory ground for termination must be established in order to terminate parental rights, we need not decide whether termination was also proper under subsection 19b(3)(g). *In re Trejo Minors*, 462 Mich 341, 350; 612 NW2d 407 (2000).

assessment of the best interests of the children was not clearly erroneous. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors, supra*.

Affirmed.

/s/ Kurtis T. Wilder
/s/ Harold Hood
/s/ Mark J. Cavanagh