

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DONNEVON MATTHEW
TAYLOR, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
November 10, 2005

Petitioner-Appellee,

v

ASHLEY MARIE MATT,

Respondent-Appellant.

No. 261534
Isabella Circuit Court
Family Division
LC No. 00-002283-NA

Before: Murphy, P.J., and Sawyer and Meter, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(A) and (E).

Respondent first argues that termination of her parental rights was improper because petitioner focused its efforts on reuniting the child with his father, providing only limited services to herself. In general, when a child is removed from the custody of the parents, the agency is required to make reasonable efforts to rectify the conditions that caused the child's removal by adopting a service plan. MCL 712A.18f(1), (2), and (4). In this case, the evidence clearly showed that petitioner provided numerous services to respondent. It was respondent's noncompliance that caused the agency to focus its reunification efforts on the child's father. Once respondent began attending visitations and counseling sessions on a regular basis in September 2004, she too became a candidate for reunification. Significantly, the November 15, 2004, parent-agency treatment plan included goals for respondent's fiancé in the event her parental rights were not terminated. The trial court did not clearly err in finding that petitioner made sufficient efforts to reunify respondent with the child.

Respondent next argues that the evidence did not establish a statutory ground for termination. In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination has been established by clear and convincing evidence. MCL 712A.19b(3); *In re CR*, 250 Mich App 185, 194-195; 646 NW2d 506 (2002). This Court reviews the trial court's findings under the clearly erroneous standard. MCR 3.977(J); *In re*

Trejo Minors, 462 Mich 341, 356-357; 612 NW2d 407 (2000). A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

The evidence clearly and convincingly showed that after the October 28, 2003, petition was filed, respondent initially made no progress in complying with her treatment plan. She attended only one visit between May and August 2004, and she attended only one or two counseling sessions. In approximately September 2004, however, she began attending visitations on a regular basis and also resumed group therapy. She subsequently resumed individual therapy in February 2005. Respondent's housing situation continued to be unstable, and she moved often. Respondent was sharing an apartment with her fiancé at the time of the termination hearing, but her fiancé had a prior protective services history. Given this evidence, the trial court did not clearly err in finding that the conditions that led to adjudication continued to exist.

The trial court also did not clearly err in finding that there was no reasonable likelihood that respondent would be able to resolve those conditions, or provide proper care and custody for the child, within a reasonable period of time considering the child's age. Respondent's brief period of regular visitation and resumption of counseling was insufficient to establish that she would be able to provide proper care and custody for her four-year-old child within a reasonable period of time. Furthermore, respondent continued to be difficult to contact, she was unemployed and had only briefly held two jobs previously, and she had not made any progress toward obtaining her GED or diploma. The trial court did not clearly err in finding that §§ 19b(3)(c)(i) and (g) were each established by clear and convincing evidence.

Affirmed.

/s/ William B. Murphy
/s/ David H. Sawyer
/s/ Patrick M. Meter