

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of BRANDIE DENISE SMITH,  
ROBERT ANTONIO SMITH, ROBYN ANN  
SMITH, and LASHAWNA ANN JONES, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LORI A JONES,

Respondent-Appellant,

and

ROBERT SMITH and SHAWN D MCKINNEY,

Respondents.

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UNPUBLISHED  
November 13, 2008

No. 284865  
Wayne Circuit Court  
Family Division  
LC No. 05-442476-NA

Before: Gleicher, P.J., and Kelly and Murray, JJ.

PER CURIAM.

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

Respondent argues that the trial court clearly erred in terminating her parental rights. We disagree. A trial court must terminate parental rights if it finds clear and convincing evidence that one or more statutory grounds for termination exists, unless the trial court finds that termination is clearly not in the child's best interests. *In re Utrera*, \_\_ Mich App \_\_ ; \_\_ NW2d \_\_ (2008). We review the trial court's decision, including its decision whether termination is not in the child's best interests, for clear error. *Id.*

The trial court terminated respondent's parental rights, in part, because it found that "the conditions which 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[ren]." MCL 712A.19b(3)(c)(i). Clear and convincing evidence supports this conclusion. In May 2005, child protection services removed the children from respondent's home and the children were soon thereafter made temporary wards of the court. In August 2005, respondent

was given a treatment plan with which she substantially complied. In June 2006, conditions had improved and the trial court anticipated that its wardship would be dismissed. However, in July 2006, respondent was arrested and she left her children in the care of a 13 year old. After her release in October 2006, respondent was given an updated treatment plan, which included complying with the terms of her probation and submitting to random drug testing. Between the time of her release and the termination hearing in January 2008, respondent tested positively for different drugs on multiple occasions. Respondent also missed drug screenings, submitted diluted samples, and missed meetings with her probation officer. At the time of the termination hearing, respondent had also failed to pay legal fines and to perform community service related to other crimes she had committed, and thereby put herself at risk of future incarceration. In short, despite being given three years to complete rehabilitation efforts, respondent has continued to engage in substance abuse, failed to abide by the terms of her probation, and has demonstrated a pattern of poor decision-making and downward spirals after periods of progress. Under the circumstances, the trial court properly concluded that the circumstances that led to the adjudication continued to exist and that there was no reasonable likelihood that they would be rectified.<sup>1</sup> As such, we cannot agree with respondent's argument that she is "well on her way" to rectifying the circumstances because she has substantially complied with her treatment plan. The record reflects the opposite.

Further, given that there is no reasonable likelihood that respondent would be able to provide a stable home and proper care in the foreseeable future, the trial court properly determined that termination of respondent's parental rights was not clearly contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although the evidence shows that respondent loves her children, there is no evidence demonstrating that that termination of respondent's parental rights is clearly not in the children's best interest. Accordingly, we conclude that the court did not clearly err when it terminated respondent's parental rights to her children.

Affirmed.

/s/ Elizabeth L. Gleicher  
/s/ Kirsten Frank Kelly  
/s/ Christopher M. Murray

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<sup>1</sup> Clear and convincing evidence of only one statutory ground is required to terminate parental rights. Given our conclusion that clear and convincing evidence supports the trial court's finding under MCL 712A.19b(3)(c)(i), it is unnecessary for us to consider the other statutory grounds upon which the court based its decision. *In re Miller*, 443 Mich 331, 344-345; 445 NW2d 161 (1989).