

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
July 27, 2010

In the Matter of FULLER, Minors.

No. 295881
Kalamazoo Circuit Court
Family Division
LC No. 2008-000204-NA

Before: SAWYER, P.J., and BANDSTRA and WHITBECK, JJ.

PER CURIAM.

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

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). The trial court's decision is reviewed for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). A finding of fact is clearly erroneous if the reviewing court is left with a definite and firm conviction that a mistake was made. *In re Terry*, 240 Mich App 14, 22; 610 NW2d 563 (2000). In applying the clearly erroneous standard, the Court should recognize the special opportunity the trial court has to assess the credibility of the witness. MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). "If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made." MCL 712A.19(b)(5).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. The issues that led to adjudication were the domestic violence between respondent and respondent father and respondent's failure to stay away from respondent father despite services provided through agencies and the courts. Once the minor children were in the care of the courts, respondent did not obtain the necessary help to deal with being the victim of domestic violence and to understand the effect that the domestic violence had on the minor children. Respondent failed to follow through on the counseling required of her parent agency treatment plan, did not begin counseling for a year after the minor children were removed from her care, and did not begin to consistently attend the counseling sessions for another five months.

Other conditions that existed causing the minor children to come within the trial court's jurisdiction included respondent's marijuana addiction and her poor parenting skills. Respondent failed to receive the recommended treatment to address her marijuana addiction and failed to consistently provide drug screens. When she did provide screens, they were positive for marijuana. Respondent admitted her addiction as well as her inability to promptly address it despite the fact that the minor children were removed from her care.

She also failed to follow through on parenting classes despite referrals for three different classes and one-to-one assistance. While the minor children were young and difficult to control, even for the foster parents, respondent did not make an effort to learn and work on more effective ways to appropriately parent and discipline them. Respondent's request for additional time because of her past lack of support is not warranted. Respondent made almost no effort throughout these proceedings to embrace and act on the help that was offered to her and that she desperately needed.

Finally, the trial court did not clearly err in its best interests determination. The minor children were very young and needed stability and permanence that respondent was unable to provide.

Affirmed.

/s/ David H. Sawyer
/s/ Richard A. Bandstra
/s/ William C. Whitbeck