

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

*In re* L.M. WARGO, Minor.

UNPUBLISHED  
December 22, 2020

No. 353167  
Oakland Circuit Court  
Family Division  
LC No. 2018-861977-NA

---

Before: CAVANAGH, P.J., and JANSEN and SHAPIRO, JJ.

PER CURIAM.

Respondent appeals as of right the order terminating her parental rights to her minor child under MCL 712A.19b(3)(c)(i) (conditions that led to adjudication continue to exist) and (g) (failure to provide care and custody). We affirm.

**I. FACTUAL BACKGROUND**

On March 23, 2018, a petition was filed requesting that the minor child be removed from respondent's care. The petition alleged that respondent was homeless and unable to provide adequate housing for herself and the minor child. The petition also alleged that respondent had left the minor child with her friends, respondent failed to provide financial support for the minor child while he stayed with her friends, and respondent failed to ensure that the minor child received a proper education. In addition, the petition alleged that there were concerns that respondent suffered from undiagnosed mental health issues, and that respondent smoked marijuana but failed to present a medical marijuana card.

On April 12, 2018, respondent entered a plea of admission to the allegations in the petition. Respondent admitted that, at the time the petition was filed, she was homeless, respondent left the minor child with her friends for approximately six weeks while she stayed at a shelter, her friends did not know how long the minor child would be left with them, and that the minor child had missed excessive amounts of school because they were homeless. Respondent also admitted that she had smoked marijuana, but never in the presence of the minor child. The trial court accepted respondent's plea and took jurisdiction of the minor child.

Respondent was provided services, but when she failed to substantially comply with her parent-agency treatment plan, a supplemental petition was filed to terminate her parental rights.

On August 12, 2019, the court found that statutory grounds existed to terminate respondent's parental rights. On February 18, 2020, the court found that it was in the minor child's best interests to terminate respondent's parental rights. Following the best interest hearing, the court entered an order terminating respondent's parental rights. This appeal followed.

## II. STATUTORY GROUNDS FOR TERMINATION

Respondent argues that the trial court erred in finding statutory grounds to terminate her parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g). We disagree.

In order to terminate parental rights, a trial court must find that a statutory ground has been established by clear and convincing evidence. *In re Moss*, 301 Mich App 76, 80; 836 NW2d 182 (2013). The trial court's findings regarding statutory grounds are reviewed for clear error. *Id.* "A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court's special opportunity to observe the witnesses." *Id.* (citation and quotation marks omitted).

Respondent first argues that the trial court erred by terminating her parental rights under MCL 712A.19b(3)(c)(i). A trial court may terminate parental rights under MCL 712A.19b(3)(c)(i) if 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds that "[t]he 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 child's age."

On April 26, 2018, the court entered the order of disposition. Therefore, more than 182 had passed when the court found a statutory basis to terminate respondent's parental rights under MCL 712A.19b(3)(c)(i). The primary issues that led to the adjudication were respondent's homelessness, her drug use, and her mental health concerns.

The record supports the court's conclusion that respondent failed to rectify the conditions that led to the adjudication. In regard to the issue of homelessness, respondent obtained Section-8 housing in July 2018 through a reunification voucher provided by the housing commission. Under the terms of the reunification voucher, the housing commission paid respondent's rent, but respondent was required to reunify with the minor child within six months of obtaining the voucher or the voucher could be revoked. At the time the supplemental petition was filed, the housing commission had started the process of revoking respondent's housing voucher because respondent had not reunified with the minor child within six months, and respondent was required to pay the rent in future months. The case worker, Alishonay Scott, testified that this was concerning because respondent only made approximately \$630 a month RSDI, and respondent's rent was \$750 a month. In addition, although the electricity was turned back on, in April 2019, respondent's electricity was shut off because of a past due electric bill of \$1,050, which was respondent's responsibility to pay. The court found that, although respondent maintained housing, the revocation of the housing voucher left respondent's housing tenuous. Thus, at the time the supplemental petition was filed, respondent's housing was unstable.

Further, respondent had not rectified her mental health issues. When the court took jurisdiction, respondent was required to engage in multiple services designed to assist her in

addressing her mental health concerns. During the course of the proceedings, respondent acknowledged that she had anxiety and depression. Respondent's most consistent term of therapy throughout the proceedings occurred in 2018 when she attended five sessions of therapy with Oakland Family Counseling. However, in August 2018, respondent was hospitalized after overdosing on her prescription medication. After her release from the hospital, respondent was referred for mental health services at Training and Treatment Innovations (TTI). Respondent's case at TTI was closed for noncompliance when she failed to attend any sessions with a therapist. Respondent attended an intake session at Lake Orion Counseling Center, but never attended therapy. Thus, the record reflects that respondent struggled from mental health issues, but failed to consistently attend therapy or adequately address her mental health.

Finally, respondent failed to address her drug use. Respondent admitted to using marijuana and to self-medicating with marijuana to control her anxiety and back pain. At the start of the case, respondent consistently submitted to her random drug screens. However, after her hospitalization, respondent stopped attending random drug screens. Between August 2018 and June 2019, respondent did not submit to one random drug screen. Scott administered a series of drug screens during that time, all of which were positive for marijuana. Respondent contended that she held a medical marijuana card, but despite multiple requests from workers and the court throughout the proceedings, at the time of the evidentiary hearing, respondent had failed to present proof that she had a medical marijuana card. Thus, the record illustrates that respondent failed to address her drug use.

On the basis of the foregoing, we conclude that the trial court did not clearly err by terminating respondent's parental rights under MCL 712A.19b(3)(c)(i) where respondent failed to address the issues that led to the adjudication and there was no reasonable likelihood that the conditions would be rectified within a reasonable time considering the minor child's age. Only a single statutory ground needs to be established to support termination of parental rights under MCL 712A.19b(3). *In re Martin*, 316 Mich App 73, 90; 896 NW2d 452 (2016). Thus, having concluded that termination was proper under MCL 712A.19b(3)(c)(i), we need not address respondent's arguments related to termination under MCL 712A.19b(3)(g).

### III. BEST INTERESTS

Respondent also argues on appeal that it was not in the minor child's best interests to terminate her parental rights. Again, we disagree.

"[W]hether termination of parental rights is in the best interests of the child must be proved by a preponderance of the evidence." *In re Moss*, 301 Mich App at 90 (footnote omitted). This Court reviews the trial court's ruling that termination is in the child's best interests for clear error. *In re Hudson*, 294 Mich App 261, 264; 817 NW2d 115 (2011). "A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court's special opportunity to observe the witnesses." *In re Moss*, 301 Mich App at 80 (citation and quotation marks omitted).

"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.19b(5). “In deciding whether termination is in the child’s best interests, the court may consider the child’s bond to the parent, the parent’s parenting ability, the child’s need for permanency, stability, and finality, and the advantages of a foster home over the parent’s home.” *In re Olive/Metts*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012) (citations omitted). “The trial court may also consider a parent’s history of domestic violence, the parent’s compliance with his or her case service plan, the parent’s visitation history with the child, the children’s well-being while in care, and the possibility of adoption.” *In re White*, 303 Mich App 701, 714; 846 NW2d 61 (2014).

The trial court did not clearly err in finding that it was in the minor child’s best interests to terminate respondent’s parental rights. The trial court relied on the testimony of Scott and Dr. Melissa Sulfaro at the best interest hearing finding them both credible. The court adopted Dr. Sulfaro’s evaluations of both the minor child and respondent. Both Scott and Dr. Sulfaro believed it was in the minor child’s best interests to terminate respondent’s parental rights because respondent could not provide the minor child with the stability that he needed. Considering the evidence, the court found that, although adoption was unlikely at the minor child age, he was receiving the stability that he needed in his placement at Crossroads for Youth. The evidence supports the court’s finding.

Dr. Sulfaro’s testimony illustrated that respondent continued to struggle with her mental health and was not stable enough to properly care for herself or the minor child. Dr. Sulfaro reported that respondent had been hospitalized twice prior to the August 2018 overdose. She had previously been diagnosed with major depressive disorder and cannabis dependence, and she also exhibited signs of bipolar disorder. Respondent also had a long history of attending therapy prior to the inception of this case, but she failed to benefit and lacked insight into her mental health needs. Further, respondent did not take responsibility for her actions and lacked insight as to why the case had progressed to the point that it had. Moreover, in the approximately six-month interim between the evidentiary hearing and the best interest hearing, respondent lost her housing. Respondent then stayed temporarily at two domestic violence shelters after a domestic violence incident with her ex-boyfriend. At the time of the best interest hearing, respondent lived with a friend and continued to be without her own housing. Furthermore, respondent had failed to address her substance abuse as she continued to use marijuana and tested positive for cocaine prior to the best interest hearing. Evidence also revealed that respondent never held a valid medical marijuana card during the course of the proceedings, despite her claims, throughout the proceedings, to the contrary.

Dr. Sulfaro’s testimony regarding the minor child illustrated the instability that he had experienced growing up and his need for permanence, finality, and stability. The minor child reported that he moved frequently, lived for periods of time with respondent’s friends, and attended five different elementary schools. Throughout the proceedings, the minor child struggled academically, exhibited negative behaviors, was involved in multiple altercations, and struggled to take responsibly for his actions. The minor child had previously been diagnosed with adjustment disorder, depressive disorder, and parent/child relational issues, and needed continuous therapy. Dr. Sulfaro did not think respondent could control the minor child’s behaviors and ensure his continued therapy if he was returned to her given respondent’s own struggle to maintain stability for herself. Further, the minor child had started to progress in his most recent placement at Crossroads. The evidence indicates that all of the minor child’s needs were met at Crossroads,

and he was provided the stability, permanence, and finality that he required. Thus, on the basis of the foregoing, we conclude that the trial court did not err in finding that it was in the minor child's best interests to terminate respondent's parental rights.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Kathleen Jansen

/s/ Douglas B. Shapiro