

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
September 20, 2011

In the Matter of
COLLINS/SAWMILLER/BRUCE, Minors.

No. 302053
Wayne Circuit Court
Family Division
LC No. 99-379441

In the Matter of
COLLINS/SAWMILLER/BRUCE, Minors.

No. 302413
Wayne Circuit Court
Family Division
LC No. 99-379441

Before: MURPHY, C.J., and FITZGERALD and TALBOT, JJ.

PER CURIAM.

In these consolidated appeals, respondent-mother appeals as of right the trial court order terminating her parental rights to the three minor children, and respondent-father appeals as of right the trial court order terminating his parental rights to his minor child. The parental rights of both respondents were terminated pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm.

This Court reviews for clear error the trial court’s finding that a statutory ground for termination existed, its best-interest determination, and the trial court’s overall termination decision. MCR 3.977(K); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005). “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).

The conditions that led to adjudication included respondent-mother’s lack of suitable housing and her substance and alcohol abuse. Although respondent-mother complied with portions of her treatment plan, including completing parenting classes, a psychological and psychiatric evaluation, individual therapy, and obtaining housing, she was unable to appropriately address her alcohol abuse, show that she benefited from parenting classes, and obtain employment. Respondent-mother was given numerous opportunities for unsupervised visitation with the minor children, and each time there were concerns about her parenting skills.

Alcohol abuse continued to be an issue. While respondent-mother completed many drug screens that were negative, there were also a fair number of missed screens or screens done a day late. Respondent-mother admitted consuming alcohol socially and claimed that she did not know she was supposed to be abstaining from drinking alcohol. She stated at the termination hearing that she thought the drug and alcohol screens were done to make sure she was not overdoing it, although the trial court had told her a year and a half earlier that she had to abstain from all drug and alcohol use to be compliant with her treatment plan. Two years after the initial petition was filed, respondent-mother was involved in an automobile accident, and medical records showed that her blood alcohol level was .17, twice the legal limit. Based on respondent-mother's continued alcohol use, her failure to be appropriate during unsupervised visitation, and her lack of income or a way to support the minor children other than with the assistance of her current boyfriend, we find that the trial court did not clearly err with respect to MCL 712A.19b(3)(c)(i), (c)(ii), (g), or (j).

Respondent-mother argues that petitioner did not make reasonable efforts to reunify her with the minor children. We disagree. In general, when a child is removed from the parents' custody, the petitioner 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). A parent must benefit from the services offered so that the children will no longer be at risk of harm in her custody. *Gazella*, 264 Mich App at 676. Here, respondent-mother was provided with numerous services over two years, and she completed many of them, but she continued to abuse alcohol, was not able to support her children, and was sometimes inappropriate during visitation. Reversal is unwarranted.

With regard to respondent-father, the trial court did not clearly err when it found that there was clear and convincing evidence to terminate his parental rights pursuant to MCL 712A.19b(3)(c)(ii), (g), and (j).¹ Respondent-father was not involved in his child's life before the initial petition was filed. When he became aware of the petition, respondent-father contacted petitioner and requested visitation. A treatment plan was put into place, and respondent-father was required to provide three negative drug screens before he could have supervised visitation in family therapy with the minor child. It took six months for respondent-father to provide three negative screens. He visited with the minor child three times and then disappeared for 10 months, reappearing just before the termination petition was filed. At that point, he attempted to re-engage in the treatment plan, but he did not substantially comply. Respondent-father did not obtain a psychiatric evaluation, did not address anger management issues after directing hostility toward service providers several times during the proceedings, did not complete substance abuse counseling, did not complete parenting classes, and did not provide consistent drug screens. Respondent-father appeared at the first day of the termination hearing but did not appear for the second day of the continued hearing. The trial court did not clearly err when it found statutory grounds to terminate respondent-father's parental rights.

¹ Although the trial court erred in finding that MCL 712A.19b(3)(c)(i) was established with regard to respondent-father where the adjudication was based on respondent-mother's plea, the error was harmless because only one statutory ground for termination needs to be established by clear and convincing evidence. MCL 712A.19b(3); *In re JK*, 468 Mich at 210.

The trial court also did not clearly err in its best-interest determination. It had been over two years since the minor children became temporary wards of the state. Any bond that they had with respondent-mother was outweighed by their need for permanency and stability. Respondent-father had only visited his child four times over the course of her life and had not formed any bond with the child. The minor children deserved the right to grow up in a stable home, which respondents were unable to provide.

Affirmed.

/s/ William B. Murphy
/s/ E. Thomas Fitzgerald
/s/ Michael J. Talbot