

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
December 15, 2011

In the Matter of BLANCH/BLANCH-
HOLLIS/BLANCH-GIBBS, Minors.

No. 303972
Wayne Circuit Court
Family Division
LC No. 09-486464

In the Matter of Z. JONES, Minor.

No. 304975
Wayne Circuit Court
Family Division
LC No. 09-486464

Before: MURPHY, C.J., and JANSEN and OWENS, JJ.

PER CURIAM.

In these consolidated appeals, respondent appeals as of right the trial court's order terminating her parental rights to her five older children under MCL 712A.19b(3)(c)(i), (g), and (j), and the order terminating her parental rights to her sixth child under MCL 712A.19b(3)(g), (i), and (j).¹ We affirm.

Before terminating a respondent's parental rights, the trial court must make a finding that at least one of the statutory grounds under MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010). Only one statutory ground need be established by clear and convincing evidence to terminate a respondent's parental rights, even if the court erred in finding sufficient evidence under other statutory grounds. *In re Huisman*, 230 Mich App 372, 384–385; 584 NW2d 349 (1998). The

¹ The trial court's orders also cited MCL 712A.19b(3)(a)(ii). After reviewing the transcripts of the termination hearing and the referee's reports and recommendations, which were fully adopted by the trial court in the termination orders, it is clear that this statutory provision applied to the children's fathers and not respondent.

trial court must then order termination of parental rights if it also finds that termination is in the child's best interests. MCL 712A.19b(5). The trial court's decision that a ground for termination has been proven and its best-interest determination are both reviewed for clear error. *In re Rood*, 483 Mich 73, 90-91, 126 n 1; 763 NW2d 587 (2009); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCR 3.977(K) To warrant reversal, the trial court's decision must be more than maybe or probably wrong. *In re Williams*, 286 Mich App 253, 271; 779 NW2d 286 (2009).

There was sufficient evidence to establish MCL 712A.19b(3)(c)(i), (g), and (j) with regard to respondent's five older children. The conditions that led to the older children's removal involved physical abuse, physical neglect, and respondent's drug abuse. Respondent first came to petitioner's attention in December 2004 and her history with Children's Protective Services (CPS) included nine complaints of physical abuse and neglect. Respondent received prevention services through Families First in response to a physical neglect complaint. Respondent received services again in July and August 2007, which included money management skills, parenting skills, housing assistance, domestic violence counseling, and management of her psychotropic medications. In early 2009, respondent was receiving prevention services from petitioner, including a parent aide in the home three times per week to assist with parenting skills, housekeeping skills, and money management skills. Respondent also received heat and utility assistance, yet had accumulated a \$2,200 bill. The children were removed from respondent's custody on April 2, 2009, because she had punched her two oldest children in the face. The court heard credible testimony from the second child that respondent would regularly hit her, including punching her in the face, stomach, arms, and legs and striking her with a cane, crate, and broom, without a reason. The two older children also testified about respondent's drug use, which was later confirmed by positive drug screens for cocaine and marijuana.

Respondent had almost two years during these proceedings to provide a suitable home, achieve financial stability, appropriately manage her mental health issues, and achieve sobriety. There was substantial evidence that petitioner provided respondent with ample services to facilitate reunifying the family. Offered services included psychological evaluations, psychiatric evaluation, individual and family therapy, domestic violence counseling, parenting classes, parenting time, house utilities subsidies, and transportation assistance.

Although respondent completed parenting classes and domestic violence counseling and completed a substance abuse evaluation, she did not substantially comply with and benefit from her treatment plan. Specifically, she failed to (1) maintain suitable housing, (2) maintain regular, legal, and verifiable income, (3) follow through with all mental health treatments, (4) demonstrate her sobriety by submitting weekly random drug screens, (5) consistently attend court-ordered parenting time, and (6) keep in regular contact with petitioner. Importantly, respondent also failed to complete therapy for her substance abuse. There was no proof that respondent was able to maintain sobriety for any significant period because she did not consistently submit weekly random drug screens. Moreover, there was ample evidence that respondent did not show any insight into her physically abusive behavior and major, chronic mental health issues. Rather than taking responsibility for her problems, respondent blamed others. Failure to comply with a court-ordered case service plan is indicative of neglect. *Trejo*, 462 Mich at 360-361 n 16. A parent must benefit from services in order to provide a safe,

nurturing home for the child. *In re Gazella*, 264 Mich App 668, 676-677; 692 NW2d 708 (2005). Clearly, respondent failed to benefit from provided services and thus did not address the issues that brought the children before the court. After 22 months of services, her circumstances remained unchanged.

Respondent contends that she substantially completed her treatment plan because, at the time of the termination hearing, she did not need medication, was not hallucinating, and was not schizophrenic. This argument is without merit. It rests upon an initial medical intake, consisting of a 20-minute consultation with a psychiatrist, and an initial psychiatric evaluation where the psychiatrist relied on respondent's self reporting and not an independent review of respondent's extensive mental health history. The trial court properly concluded that the weight of this evidence did not overcome the substantial evidence, including extensive psychological and psychiatric evaluations, that respondent suffered from serious and chronic mental illness. According to clinical assessments, respondent reported that she was previously diagnosed with schizophrenia, bipolar disorder, and major depression. Respondent reported having impulses to hurt others since childhood. Older records indicated that she developed homicidal/suicidal ideation at age 18 and later developed auditory hallucinations and mood lability. She had more than 10 psychiatric hospitalizations, several suicide attempts, and a history of prescribed antipsychotic medication. Additionally, according to her therapist, she minimized her inappropriate physical discipline of the children, and she denied more recently revealed circumstances suggesting that she subjected the children to inappropriate sexual situations, possibly in an attempt to obtain drugs. As noted by the clinician, it was essential that respondent follow her psychiatric treatment recommendations and comply with any medication regimes. Regrettably, respondent did not regularly participate in individual counseling and did not follow her medication regime, even before she became pregnant with her sixth child. After childbirth, respondent did not reengage in mental health services. Respondent repeatedly failed to submit weekly random drug screens, providing only 10 out of 76 possible drug screens. In January 2011, respondent was discharged from substance abuse treatment because of nonattendance, and her therapist noted that respondent did not think there was anything wrong with her. The court reasonably concluded that respondent continued to minimize her mental health challenges and substance abuse and lacked any insight into these major barriers to being reunited with her children, despite receiving multiple services.

With regard to the sixth child, the trial court clearly did not err in terminating respondent's parental rights. Respondent completely ignored this child after he was born positive for opiates. She did not demonstrate a desire to plan for caring for this child and did not participate in reunification services. The only contact she had with petitioner was when she needed bus tickets. Having reviewed the trial court record and concluded that the trial court properly terminated respondent's parental rights to the older siblings, we find there was no clear error in terminating respondent's parental rights to her sixth child pursuant MCL 712A.19(b)(3)(g), (i), and (j).

The court also correctly concluded that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5). While respondent behaved appropriately during visitations, her bond with the children was tenuous at best. Despite transportation assistance, respondent attended only 27 out of 76 possible weekly visits with her five older children. Respondent made no effort to see her sixth child. Respondent had only one visit short

visit, initiated by the foster parent, with her sixth child consisting of 35 minutes in the foster parent's van. The two oldest children did not want to be returned to respondent, and all of the children, except the youngest, required mental health services. Further, the record also showed that the children had adjusted well in their foster care placements. The trial court correctly ruled that terminating respondent's parental rights was in the children's best interests.

Affirmed.

/s/ William B. Murphy

/s/ Kathleen Jansen

/s/ Donald S. Owens