

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
March 13, 2012

In the Matter of WOODS, Minors.

No. 305786
Muskegon Circuit Court
Family Division
LC No. 10-039680-NA

Before: METER, P.J., and FITZGERALD and MARKEY, JJ.

PER CURIAM.

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

To terminate parental rights, the trial court must find that at least one statutory ground for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence. MCL 712A.19b(5); *In re Sours*, 459 Mich 624, 632; 593 NW2d 520 (1999). The court must also find that termination is in the best interests of the child. MCL 712A.19b(5). We review for clear error a trial court's determination that a statutory ground for termination of parental rights has been proved by clear and convincing evidence, as well as its best interests determination. MCR 3.977(K); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). "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 BZ*, 264 Mich App 286, 296-297; 690 NW2d 505 (2004).

In this case, respondent's parental rights were terminated under MCL 712A.19b(3)(c)(i), (g), and (j),¹ which provide:

¹ Petitioner asserts that MCL 712A.19b(3)(c)(ii) is a ground for termination of respondent's parental rights. Because the trial court did not cite § 19b(3)(c)(ii) as a ground for termination and only one statutory ground need be proven by clear and convincing evidence, *In re Sours*, 459 Mich at 632, we decline to address § 19b(3)(c)(ii).

(c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the following:

(i) The 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.

* * *

(g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

* * *

(j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

The trial court did not clearly err by concluding that the statutory ground for termination set forth in MCL 712A.19b(3)(c)(i) was met by clear and convincing evidence. The conditions that led to the adjudication, including respondent's lack of housing, employment, and parenting skills, continued to exist more than 182 days later. At the time of the termination hearing, respondent still had no permanent housing and no job, GED, or state identification. There had been no improvement in her parenting skills. Given the fact that respondent was offered numerous services throughout the proceedings and still failed to show any improvement, it was unlikely that she would do so within a reasonable amount of time considering the children's ages.

There was also clear and convincing evidence to terminate respondent's parental rights under MCL 712A.19b(3)(g). "[A] parent's failure to comply with the parent-agency agreement is evidence of a parent's failure to provide proper care and custody for the child." *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003). Respondent did not consistently participate in or show any benefit from the services offered to her, primarily due to her own lack of cooperation and follow-through, and she testified that she had no way to provide for the children. There was no evidence that respondent would be able to provide proper care and custody within a reasonable amount of time.

Additionally, the trial court did not clearly err by concluding that the statutory ground for termination set forth in MCL 712A.19b(3)(j) was met by clear and convincing evidence. Respondent's former boyfriend, who is the father of one of the children, was violent. When the children were removed from respondent's care, one of the children had fractures for which respondent offered several different explanations. Over the course of the proceedings, respondent engaged in several verbal and physical altercations. She also dated and lived with a registered sex offender. Given respondent's lack of parenting skills, volatile behavior, and

continued association with potentially dangerous people, it was reasonably likely that the children would be harmed if returned to her care.

Next, we conclude that the trial court did not err in its assessment of the children's best interests. The children had bonded with their foster mother, there was a possibility of adoption, and there was no longer a bond between respondent and the children. In fact, the children regressed after each parenting session with respondent. Given the children's need for permanence, their young ages, and the fact that respondent was unlikely to provide them with a safe, suitable home in the near future, terminating respondent's parental rights was in the children's best interests. See *In re Jones*, 286 Mich App 126, 131; 777 NW2d 728 (2009); *In re BZ*, 264 Mich App at 296-297; *In re McIntyre*, 192 Mich App 47, 52-53; 480 NW2d 293 (1991).

Affirmed.

/s/ Patrick M. Meter
/s/ E. Thomas Fitzgerald
/s/ Jane E. Markey