

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
March 19, 2013

In the Matter of P. V. BUSH, Minor.

No. 311208
Wayne Circuit Court
Family Division
LC No. 09-489583-NA

Before: GLEICHER, P.J., and SAWYER and FORT HOOD, JJ.

PER CURIAM.

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

Petitioner filed an original petition to terminate respondent mother's parental rights to her son P. V. near the time of the child's birth because respondent was 16 years old and a temporary court ward herself, and her parental rights to a daughter, born when respondent was 15, had been terminated. In the earlier case, respondent had been provided services but had not completed them and failed to protect herself and her daughter from Vidal, a man in his fifties who was the putative father of both children. With regard to the initial termination petition in this case, the trial court found that statutory grounds for termination were established but also determined that termination of respondent's parental rights was not in her son's best interests at that time and ordered respondent to participate in services. Although respondent successfully completed all services and consistently attended visits with P. V., petitioner filed a supplemental petition to terminate her parental rights because she had not benefitted from services and still had contact with Vidal.

Respondent first argues that the trial court clearly erred in finding that petitioner made reasonable efforts at reunification. In termination proceedings, this Court must defer to the trial court's factual findings if those findings do not constitute clear error. MCR 3.977(K). Both the trial court's decision that a ground for termination has been proven by clear and convincing evidence and its best-interest determination are reviewed for clear error. *In re Rood*, 483 Mich 73, 90-91; 763 NW2d 587 (2009). "A finding is 'clearly erroneous' [if,] although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

When a child is removed from a parent's custody, petitioner is generally required to make reasonable efforts to rectify the conditions leading to the child's removal by adopting a case

service plan. MCL 712A.18f(1), (2), (4); *In re Fried*, 266 Mich App 535, 542-543; 702 NW2d 192 (2005). Where a parent challenges the reasonable efforts of the petitioner in a child protective case, the issue is one of sufficiency of the evidence to establish the statutory grounds for termination. *Fried*, 266 Mich App at 541.

A case service plan was established for respondent, which included her placement with her son in a mother-child residential program and, upon her voluntary release from this program, visits with P. V., parenting classes, a psychological evaluation, individual counseling, and a parent-aide therapist. While petitioner may have made better efforts at reunification, it should be noted that the trial court ordered visits to be increased to three hours per week from one hour per week during the course of the proceedings and that the parent-aide therapist began treating respondent during the course of the termination hearing. Respondent in essence received an additional six months of services and had the opportunity to benefit from these services, but sadly did not. Based on the services that were offered to respondent during the proceedings, the trial court did not clearly err in finding that petitioner made reasonable efforts at reunification.

Although the trial court clearly erred in finding that MCL 712A.19b(3)(i) was established because there was no evidence of serious neglect or physical or sexual abuse in the termination of respondent's parental rights to her daughter, that error was harmless. Only one statutory ground for termination needs to be established in order to terminate parental rights, and the court did not clearly err in finding MCL 712A.19b(3)(c)(i), (j), and (l) were established by clear and convincing evidence.

The trial court did not clearly err in finding that the conditions of adjudication continued to exist and that there was no reasonable likelihood that the conditions would be rectified within a reasonable time considering the child's age or that there was a reasonable likelihood of harm to P. V. if he were returned to respondent. The trial court determined that respondent was still having contact with Vidal, which posed a threat to respondent and P. V., and that respondent failed to benefit from services. There was ample evidence that respondent continued to have a relationship of some type with Vidal. Although the trial court repeatedly told respondent that Vidal was a pedophile and that she must stop all contact with him or risk losing her parental rights, respondent continued to see him and he was seen at respondent's home.

There was also ample evidence that respondent failed to benefit from services. Although her completion of services despite her cognitive disabilities and the roadblocks placed in her path by her contract caseworker was admirable, mere completion of services does not rectify the conditions leading to adjudication. "[I]t is not enough to merely go through the motions; a parent must benefit from the services offered so that he or she can improve parenting skills to the point where the children would no longer be at risk in the parent's custody." *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005). "For example, attending parenting classes, but learning nothing from them and, therefore, not changing one's harmful parenting behaviors, is of no benefit to the parent or child." *Id.*

Here, although respondent and P. V. were placed in a mother-child home for several months before she voluntarily left, respondent completed parenting classes, respondent's visits with P. V. were increased to three hours per week, and respondent was provided with a parent-aide therapist, respondent mother continued to have difficulty appropriately interacting with,

bonding with, and disciplining her son. Thus, the trial court did not clearly err in finding that the conditions of adjudication continued to exist. Further, considering the nearly three years the case was pending, the trial court did not clearly err in finding that respondent would not be able to rectify the conditions leading to adjudication within a reasonable time.

Respondent correctly argues that there was no evidence that she would harm her son. However, there was evidence that respondent continued to associate with a pedophile, even after the trial court warned her that it would lead to the termination of her parental rights, and that she lacked an appropriate bond with P. V., did not discipline him, and did not appropriately interact with him. For example, respondent sometimes did not take the child's coat off during visits, did not greet P. V., did not tell him that she loved him or missed him, and did not hug or kiss him. If the child was doing something wrong during a visit, like throwing toys, respondent told him to stop, but did not take further action if he did not. If returned to respondent's home, P. V. could harm himself if not redirected.

We also find that the trial court did not clearly err in its best-interest determination. MCL 712A.19b(5). Despite ample time to develop a bond and respondent mother's best efforts to do so, there was no significant bond between respondent and her son, and respondent continued to have contact with Vidal despite the court's admonitions. The child was bonded to his foster parents, who had adopted his sister and wished to adopt him. Termination of respondent's parental rights was in the child's best interests.

Affirmed.

/s/ Elizabeth L. Gleicher
/s/ David H. Sawyer
/s/ Karen M. Fort Hood