

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED  
June 20, 2013

In the Matter of MULLINS/OLTERSODORFF,  
Minors.

No. 313069  
Wayne Circuit Court  
Family Division  
LC No. 10-496988-NA

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

PER CURIAM.

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

On appeal, respondent argues that the trial court clearly erred when it found that statutory grounds existed to terminate her parental rights and that termination was in the minor children's best interests. We disagree.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence and that termination is in the best interests of the children. MCL 712A.19b(5); *In re Beck*, 488 Mich 6, 11; 793 NW2d 562 (2010); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). This Court reviews for clear error the trial court's determination that a statutory ground for termination has been established, as well as the court's decision regarding the children's best interests under MCL 712A.19b(5). *In re Trejo*, 462 Mich at 356-357. A finding is clearly erroneous if, despite evidence to support the finding, the reviewing court 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).

Pursuant to MCL 712A.19b(3)(a)(ii), the court may terminate parental rights if it finds, by clear and convincing evidence, that "[t]he child's parent has deserted the child for 91 or more days and has not sought custody of the child during that period." Pursuant to MCL 712A.19b(3)(c)(i), the court may terminate parental rights if 182 days have passed since the issuance of an initial dispositional order, and there is clear and convincing evidence 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 age of the child." Parental rights may also be terminated if "[t]he 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,"

MCL 712A.19b(3)(g), or if “[t]here 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,” MCL 712A.19b(3)(j). In this case, the trial court did not clearly err in concluding that at least one of these statutory grounds was established by clear and convincing evidence.

The evidence included that respondent did not attend visitations with the minor children from October 2010 to April 2011, and did not seek custody of the children during that time. The conditions that led to this adjudication included respondent’s homelessness, unemployment, substance abuse, and abandonment of the children for extended periods of time. During these proceedings, respondent failed to appear at several court hearings, could not be located for extended periods of time, was placed under arrest for an outstanding warrant and for striking an officer, failed to comply with the service agreement, failed to complete required drug screening tests, and continued abusing substances, including while pregnant with a child who died. She also failed to complete an inpatient rehabilitation program. Further, from April 2011 to June 2012, respondent only attended 23 of 59 possible visitations with the children, and failed to visit them at all from August 28, 2012 to September 24, 2012. Respondent also did not complete individual therapy, did not complete parenting classes, did not secure permanent housing, and remained unemployed. And, during these proceedings, respondent indicated that she was not willing to participate in the required services. In light of this clear and convincing evidence, we reject respondent’s claim on appeal that termination of her parental rights was clearly erroneous and affirm the decision.

We also reject respondent’s argument that the trial court clearly erred in concluding that termination was in the children’s best interests. See MCL 712A.19b(5). When determining the best interests of a child in a termination case, a trial court may consider the respondent’s history and parenting ability, the child’s bond to the respondent, the child’s safety and well-being, and the child’s need for permanency and stability, as well as other factors. *In re VanDalen*, 293 Mich App 120, 142; 809 NW2d 412 (2011); *In re Jones*, 286 Mich App 126, 131; 777 NW2d 728 (2009); *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004); *In re Gillespie*, 197 Mich App 440, 446-447; 496 NW2d 309 (1992).

In this case, as the court noted, respondent’s children had been in foster care for about two years, and respondent had failed to visit them for months at a time. As a consequence, the children were bonded with their foster parents and not with respondent. The children also were in need of permanency and stability in light of their young age and were thriving in foster care. Considering respondent’s history, failure to participate in the offered services, and continued substance abuse, termination of her parental rights promoted their safety and well-being. Accordingly, we are not left with a definite and firm conviction that a mistake has been made. See *In re Miller*, 433 Mich at 337.

Affirmed.

/s/ Kathleen Jansen  
/s/ Mark J. Cavanagh  
/s/ Jane E. Markey