

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
May 14, 2013

In the Matter of A. L. CARLSON, Minor.

No. 313300
Isabella Circuit Court
Family Division
LC No. 2010-000035-NA

Before: FORT HOOD, P.J., and FITZGERALD and O'CONNELL, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's decision terminating her parental rights to her minor child under MCL 712A.19b(3)(c)(i). We affirm.

The child in this case was originally removed from respondent's care in 2010. The trial court relinquished jurisdiction over the child the following year, but within four months petitioner again sought jurisdiction over the child. The new petition for jurisdiction alleged that respondent was unable to provide proper care for the child because of substance abuse, unstable housing, and medical neglect. Respondent admitted to the allegations in the petition. DHS provided services to respondent, but eventually sought termination of respondent's parental rights because of respondent's poor parenting skills and her inability to maintain housing. The child, who was then approximately aged two and a half, had been in the court's jurisdiction for most of her life. The trial court concluded by clear and convincing evidence that respondent's parenting skills were not appropriate for raising children and that respondent had failed to maintain stable housing.

On appeal, respondent first argues that the trial court erred in determining that the statutory grounds for termination were established by clear and convincing evidence. We disagree.

A trial court's finding that the grounds for termination have been proven by clear and convincing evidence is reviewed for clear error. *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010). "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." *Id.* (internal quotation marks and citations omitted). To be clearly erroneous, a decision must be more than maybe or probably wrong. *In re Williams*, 286 Mich App 253, 271; 779 NW2d 286 (2009).

To terminate parental rights, there must be clear and convincing evidence to establish at least one statutory ground for termination. *In re Powers*, 244 Mich App 111, 117; 624 NW2d 472 (2000). If the trial court improperly terminates on one statutory ground, the error is harmless as long as another statutory ground for termination was established. *Id.* at 118.

MCL 712A.19b(3)(c)(i) provides that termination is justified if 182 days or more have elapsed and the conditions that led to adjudication still exist with no reasonable likelihood they will be resolved within a reasonable time given the child's age. In this case, the testimony indicated that respondent was not nurturing the two and a half year-old child; rather, respondent was critical of her and called her derogatory names. There was also testimony that respondent's address had changed at least three times during last two years. Respondent did not have a lease for a home of her own until very recently.

Based on the testimony, it was not clearly erroneous for the trial court to determine that the conditions that led to termination still existed. *In re Mason*, 486 Mich at 152. Respondent had not demonstrated she had suitable, stable housing. Also, there was no reason to believe that respondent would rectify these conditions in the foreseeable future, because respondent had stopped participating in services. Termination was proper because at least one statutory ground for termination was established. *In re Powers*, 244 Mich App at 117.

Respondent next argues that the trial court erred when it concluded that termination was in the child's best interests. We review the best interest determination for clear error. *In re Jones*, 286 Mich App 126, 129; 777 NW2d 728 (2009). When making the best interest analysis, the trial court may consider the child's needs for permanency, stability, and finality. *In re Olive/Metts*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012). The trial court may also consider the bond between the child and the parent, the parent's ability to parent, and any advantages of a foster home over the parent's home. *Id.*

In this case, the evidence indicated that the child was doing well in her foster care placement. Testimony established that there was no significant parental bond between respondent and the child. Furthermore, evidence was presented that the child might have had reactive attachment disorder ("RAD"). According to the evidence, a child with RAD must receive consistent, calm, nurturing interaction. The evidence indicated that respondent did not appear to have parenting skills to provide the requisite interaction.

In sum, the trial court did not err in determining that termination of respondent's parental rights was in the child's best interests. The child needed permanency, stability, and finality and had been in care most of her life. Respondent did not appear to have a healthy bond with the child nor did it appear that a bond could be created within a reasonable period of time given the child's age.

Affirmed.

/s/ Karen M. Fort Hood
/s/ E. Thomas Fitzgerald
/s/ Peter D. O'Connell