

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of K. GRODY, Minor.

UNPUBLISHED
December 19, 2013

No. 316271
Antrim Circuit Court
Family Division
LC No. 09-005391-NA

Before: WHITBECK, P.J., and HOEKSTRA and GLEICHER, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to the minor child, KG, pursuant to MCL 712A.19b(c)(i), (g), and (l). Because we conclude that the trial court did not clearly err by finding at least one statutory ground for termination was proved by clear and convincing evidence or by finding that termination was in the child's best interests, we affirm.

To terminate parental rights, the trial court must find that the petitioner has proven at least one of the statutory grounds for termination by clear and convincing evidence. MCL 712A.19b(3); MCR 3.977(H)(3)(a); *In re Sours Minors*, 459 Mich 624, 632; 593 NW2d 520 (1999). We review for clear error a trial court's decision terminating parental rights. MCR 3.977(K); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Sours Minors*, 459 Mich at 633. A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

In this case, respondent's parental rights were terminated pursuant to MCL 712A.19b(3)(c)(i), (g), and (l), which provide in pertinent part:

(3) The court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, 1 or more of the following:

* * *

(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.

* * *

(l) The parent's rights to another child were terminated as a result of proceedings under section 2(b) of this chapter or a similar law of another state.

On appeal, respondent first argues that the trial court erred by terminating her parental rights after she demonstrated compliance with and progress under the case service plan. Contrary to respondent's argument, the majority of the witnesses who testified at the termination hearing expressed concern about respondent's lack of progress with her case service plan. The record clearly establishes that respondent routinely missed scheduled drug screens, counseling appointments, and parenting-time visits, while also declining to participate in recommended substance abuse group therapy. There was evidence that respondent tested positive for alcohol and for opiates and amphetamines. Her employment and housing had not stabilized. She had been arrested for failing to provide child support. And, in the weeks leading up to the dispositional hearings, respondent became essentially non-compliant with the case service plan and was non-responsive to contact attempts by the foster-care caseworker. Therefore, there was ample evidence establishing that respondent neither complied with, nor benefitted from, the case service plan.

Moreover, the evidence demonstrated that the trial court did not clearly err by finding at least one statutory ground for termination was proved by clear and convincing evidence because it was not disputed that respondent's parental rights to another child, KG's half sibling, were previously terminated. Thus, MCL 712A.19(b)(l) was clearly satisfied. Petitioner need only prove one statutory ground to support an order for termination of parental rights. *In re Frey*, 297 Mich App 242, 244; 824 NW2d 569 (2012).

Respondent also argues that the trial court erred by finding that termination of her parental rights was in the best interests of the child.

We review the trial court's best-interest determination for clear error. MCR 3.977(K). The termination of parental rights is required when a trial court finds that one or more statutory grounds for termination have been proven by clear and convincing evidence, and finds by a preponderance of the evidence that termination is in the child's best interests. MCL 712A.19b(3), (5); *In re Moss Minors*, 301 Mich App 76, 90; 836 NW2d 182 (2013). In deciding whether termination is in the child's best interests, the court may consider the child's bond to the parent, the parent's parenting ability, the child's need for permanency, stability, and finality, and

the advantages of a foster home over the parent's home. *In re Olive/Metts Minors*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012).

In this case, the evidence showed that KG had been in foster care for nearly her entire life, and that she was in need of permanency and stability. Respondent consistently displayed an inability to provide the permanency and stability the minor child needed. Respondent failed to comply with or benefit from the numerous services offered to her. The record also showed that the child was currently placed, along with KG's half-sibling, with a loving family that intended to adopt her. Respondent speaks of her bond with KG, but the foster-care aid worker who supervised most of respondent's parenting times with KG testified that respondent's failure to take advantage of scheduled parenting time had negatively impacted the parent-child bond. The foster-care worker testified that KG referred to her, the foster-care worker, as "mom" three times during the two visits respondent attended in the last seven weeks.

Therefore, we conclude that the trial court did not err by finding that the cited statutory grounds were proven by clear and convincing evidence and that termination of respondent's parental rights was in the best interests of the child.

Affirmed.

/s/ William C. Whitbeck

/s/ Joel P. Hoekstra

/s/ Elizabeth L. Gleicher