

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
June 27, 2013

In the Matter of STRINGER/DEBOSE, Minors.

No. 313622
Wayne Circuit Court
Family Division
LC No. 09-491104-NA

Before: K. F. KELLY, P.J., and SHAPIRO and RONAYNE KRAUSE, JJ.

PER CURIAM.

Respondent appeals as of right from an order terminating her parental rights to AS, DJD, and DAD, pursuant to MCL 712A.19b(3)(c)(i) (conditions that led to adjudication continue to exist) and (j) (reasonable likelihood of harm if child is returned to parent's home). Respondent also appeals as of right from an order terminating her parental rights to AD pursuant to MCL 712A.19b(3)(c)(i) (conditions that led to adjudication continue to exist), (j) (reasonable likelihood of harm if child is returned to parent's home), and (l) (parent's rights to another child were terminated). We affirm because the trial court did not err in finding that petitioner established statutory grounds for termination of respondent's parental rights.

Respondent's sole argument on appeal is that the trial court erred in terminating respondent's parental rights because petitioner did not prove a statutory ground for termination by clear and convincing evidence. This Court reviews for clear error the trial court's decision that a ground for termination has been proven by clear and convincing evidence. *In re Olive/Metts Minors*, 297 Mich App 35, 40; 823 NW2d 144 (2012). "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 Hudson*, 294 Mich App 261, 264; 817 NW2d 115 (2011). In reviewing the trial court's findings of fact, this Court gives due regard to the special opportunity of the trial court to judge the credibility of witnesses. *In re Fried*, 266 Mich App 535, 541; 702 NW2d 192 (2005).

"A court may terminate a respondent's parental rights if one or more of the statutory grounds for termination listed in MCL 712A.19b(3) have been proven by clear and convincing evidence." *In re Olive/Metts Minors*, 297 Mich App at 40. The trial court terminated respondent's parental rights to AS, DJD, and DAD pursuant to MCL 712A.19b(3)(c)(i) and (j), and respondent's parental rights to AD pursuant to MCL 712A.19b(3)(c)(i), (j), and (l). MCL 712A.19b(3)(c)(i), (j), and (l) provide:

(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.

* * *

(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.

* * *

(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.

The trial court did not clearly err in finding clear and convincing evidence in support of the statutory ground under MCL 712A.19b(3)(c)(i) with respect to AS, DJD, and DAD. More than two and a half years passed since the initial order of disposition that was entered on April 26, 2010, and the order of termination that was entered on November 5, 2012. The conditions that led to the adjudication continued to exist, i.e., respondent's continued contact with her boyfriend Reginald Stringer after Reginald inflicted severe and permanent harm to DAD that left him paralyzed on one side of his body, blind, and with cerebral palsy.

Despite numerous chances over the course of two and a half years to prove that respondent recognized the danger of Reginald's presence, respondent repeatedly ignored the court's order to cease contact with Reginald. At the September 28, 2011, dispositional hearing, at which time the court was aware of only one instance of respondent's contact with Reginald in March of 2011, respondent told the court that she understood that the court would terminate her rights if she had contact with Reginald. Unbeknownst to the court, respondent was two months pregnant at the time of the dispositional hearing, and Reginald could be the father because respondent had sex with Reginald in July of 2011. In addition to the March of 2011 and July of 2011 contacts with Reginald, AS reported to Jessica Quick, a supervisor at Spectrum Child and Family Services, and Pamela Byrd, AS's foster care mother, that Reginald was at respondent's home on Christmas of 2011. The trial court found AS's testimony to be credible.

Respondent contends that she benefitted from the treatment plan and was successful in keeping her children safe during the duration of the proceedings. However, respondent's decisions to permit Reginald at her household on at least two occasions, and her sexual encounter with Reginald, demonstrate that she did not benefit from the key aspect of her treatment plan,

i.e., terminating relationships with individuals, such as Reginald, that are a threat to the safety of her children. Respondent even stated that she never told her therapist about her sexual encounter with Reginald. Thus, given respondent's inability to cease contact with Reginald and failure to recognize the danger he presented to her children, there was clear and convincing evidence that the conditions that led to the adjudication continue to exist and there was no reasonable likelihood that the conditions would be rectified within a reasonable time considering the children's ages. Further, the same facts constitute clear and convincing evidence that the children were likely to be harmed if returned to respondent.

In addition there was clear and convincing evidence to support termination of respondent's parental rights over AD pursuant to MCL 712A.19b(3)(l). The court terminated respondent's parental rights over AS, DJD, and DAD. Therefore, the trial court did not err in terminating respondent's parental rights pursuant to this ground.

Any error in the trial court terminating respondent's parental rights over AD pursuant to MCL 712A.19b(3)(c)(i) was harmless. AD was born nearly two years after the initial dispositional order was entered with respect to the proceedings for AS, DJD, and DAD. The error was harmless because "[o]nly one statutory ground need be established by clear and convincing evidence to terminate a respondent's parental rights, even if the court erroneously found sufficient evidence under other statutory grounds." *In re Ellis*, 294 Mich App 30, 32; 817 NW2d 111 (2011). Thus, the trial court did not err in terminating respondent's parental rights to AD because there was clear and convincing evidence to support termination of respondent's parental rights over AD pursuant to MCL 712A.19b(3)(j) and (l).

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Douglas B. Shapiro
/s/ Amy Ronayne Krause