

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
September 17, 2013

In the Matter of I. M. SANSBURY, Minor.

No. 313655
Macomb Circuit Court
Family Division
LC No. 2012-000151-NA

Before: STEPHENS, P.J., and WILDER and OWENS, JJ.

PER CURIAM.

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

Termination of parental rights requires a finding that at least one of the statutory grounds enumerated in MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010); *In re B and J*, 279 Mich App 12, 18; 756 NW2d 234 (2008). The trial court must then order termination of parental rights if it finds that termination is in the child's best interests. MCL 712A.19b(5). Appellate courts review "for clear error both the trial court's decision that a ground for termination of parental rights has been proved by clear and convincing evidence and, where appropriate, the court's decision regarding the child's best interests." *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003) (citations omitted). "A circuit court's decision to terminate parental rights 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.* at 209-210 (citations omitted). Regard is to be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it. MCR 2.613(C).

Termination of respondent's parental rights to the child was proper under MCL 712A.19b(3)(g), (i), and (j). The trial court did not clearly err when it found that respondent's parental rights had previously been terminated to two children in September 2011 after she failed to comply with a treatment plan and also failed to demonstrate that she could remain drug free.

Respondent argues that she was making significant progress on her voluntary parent-agency agreement. Respondent contends that the trial court did not consider her recent efforts to address her issues and focused solely on her history, which was not enough to support termination of parental rights in this case. Respondent fails to recognize that the prior terminations alone provided a legal basis for the initial petition or that her positive drug test was

evidence, considering her long struggle with addiction and her partner's substance abuse history, of danger to the infant. Contrary to respondent's argument, petitioner was not required to provide reunification services because termination of respondent's parental rights was the agency's goal. *In re Terry*, 240 Mich App 14, 25 n 4; 610 NW2d 563 (2000). Although the trial court did err in its findings under MCL 712A.19b(3)(c)(i), the error was harmless because the court properly found other statutory grounds for termination of respondent's parental rights. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Finally, the trial court did not clearly err in finding that termination of respondent's parental rights was in the best interests of the minor child. MCL 712A.19b(5). This child needs permanence and stability, and the trial court did not clearly err when it found that respondent did not demonstrate that she could provide either. Respondent had not maintained a drug free lifestyle for a significant period of time with a positive drug test scant days before the delivery. Moreover, the child had some cognitive delays and needed therapy several times a month. The child's needs must be met consistently, and there was no assurance that respondent would be able to provide for her child's needs given her history of substance abuse. Given the immediate special needs of the very young child and the trial court's finding regarding respondent's inability to achieve stability in the near future, termination of parental rights was the only feasible option. Thus, the court did not clearly err in its best-interest determination.

Affirmed.

/s/ Cynthia Diane Stephens

/s/ Kurtis T. Wilder

/s/ Donald S. Owens