

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CRAWFORD/FAHS, Minors.

UNPUBLISHED
February 4, 2014

No. 317107
St. Clair Circuit Court
Family Division
LC No. 12-000048-NA

Before: MURPHY, C.J., and DONOFRIO and FORT HOOD, JJ.

PER CURIAM.

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

Respondent argues that the trial court clearly erred in finding that there was clear and convincing evidence supporting the grounds for termination. Respondent further maintains that the trial court clearly erred in finding that termination was in the children's best interests. If a trial court finds that a single statutory ground for termination has been established by clear and convincing evidence and that it has been proven by a preponderance of the evidence that termination of parental rights is in the best interests of a child, the court is mandated to terminate a respondent's parental rights to that child. MCL 712A.19b(3) and (5); *In re Ellis*, 294 Mich App 30, 32; 817 NW2d 111 (2011); *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). "This Court reviews for clear error the trial court's ruling that a statutory ground for termination has been established and its ruling that termination is in the children's best interests." *In re Hudson*, 294 Mich App 261, 264; 817 NW2d 115 (2011); see also MCR 3.977(K). "A finding is clearly erroneous if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made." *In re HRC*, 286 Mich App 444, 459; 781 NW2d 105 (2009). In applying the clear error standard in parental termination cases, "regard is to be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it." *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The trial court did not clearly err in finding that §§ 19b(3)(c)(i), (g), and (j) were each established by clear and convincing evidence. The conditions that led to the adjudication were physical abuse of the children and failure to protect the children. The initial dispositional order was entered on April 20, 2012, and the supplemental petition for termination was filed on May 14, 2013, more than a year later. Respondent was directed to engage in counseling and complete parenting, anger management, and domestic violence classes to address her issues. Respondent

engaged in counseling, but never completed it. She did not complete anger management or domestic violence classes. In fact, she only enrolled in them after the supplemental petition was filed. Respondent completed parenting classes, but had difficulty managing the children when all three were present and tended to resort to inappropriate disciplinary techniques. Participating in services is meaningless if the parent does not benefit from them and change his or her behavior accordingly. *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005). The trial court found that respondent still believed “that she did nothing wrong” and that “she’s a good mother and that there was nothing to address.” Given respondent’s failure to show significant progress after a year, the trial court did not clearly err in finding that respondent was unlikely to rectify the conditions that led to the adjudication, that she was unlikely to provide proper care and custody within a reasonable time considering the children’s ages, and that the children were reasonably likely to be harmed if returned to respondent’s custody.

Additionally, the trial court did not clearly err in finding that § 19b(3)(c)(ii) was established by clear and convincing evidence. After the children came into care, it was discovered that respondent had a history of using marijuana as a coping mechanism. Respondent does not dispute that her substance abuse would provide a basis for the assumption of jurisdiction under MCL 712A.2(b), and as noted, more than a year had passed since entry of the initial dispositional order. Respondent never completed counseling and routinely failed to provide random drug screens after July 2012. When the foster-care worker administered a test on January 29, 2013, respondent tried to sabotage the results but still tested positive for cocaine and oxycodone. Respondent testified at trial that she took the drugs because she was overwhelmed by stress, the same reason she had been using marijuana. Given respondent’s failure to show significant progress in overcoming her reliance on illegal drugs, the trial court did not clearly err in finding that she was not reasonably likely to rectify the condition within a reasonable time considering the children’s ages.

Finally, the trial court did not clearly err in finding that termination of respondent’s parental rights was in the children’s best interests in light of the length of time they had been in foster care and respondent’s failure to successfully address the barriers to reunification. MCL 712A.19b(5); MCR 3.977(H)(3)(b). In sum, the trial court did not clearly err in terminating respondent’s parental rights.

Affirmed.

/s/ William B. Murphy
/s/ Pat M. Donofrio
/s/ Karen M. Fort Hood