

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
March 15, 2011

In the Matter of S. A. RIEGER, Minor.

No. 300253
Oakland Circuit Court
Family Division
LC No. 09-756604-NA

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

MEMORANDUM.

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

Termination of parental rights is appropriate where petitioner proves by clear and convincing evidence at least one ground for termination. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000); *In re B and J*, 279 Mich App 12, 17; 756 NW2d 234 (2008). This Court reviews the lower court's findings under the clearly erroneous standard. MCR 3.977(K); *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010). A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court's special opportunity to observe the witnesses. *Mason*, 486 Mich at 152. Once a statutory ground for termination is established by clear and convincing evidence, the trial court must terminate parental rights if termination is in the children's best interests. MCL 712A.19b(5). The trial court's decision on the best interests question is reviewed for clear error. MCR 3.977(K); *Trejo*, 462 Mich at 356-357.

In the present case, the child was born addicted to crack cocaine and was removed in March 2009 at the age of two months. Respondent then entered into a parent agency agreement (PAA) requiring drug treatment and screens, parenting classes, counseling, and suitable income and housing. Over the next 15 months, respondent missed nearly all drug screens and had at least three screens positive for cocaine. One positive screen was in April 2010, after the termination petition was filed. Respondent was unable to visit the child from approximately September 2009 through April 2010 because she could not comply with the court's requirement of two consecutive negative drug screens, despite being warned by the trial court of this requirement. During the pendency of the case, she lived with a crack user for a time, was evicted from her apartment, and was discharged from individual counseling for nonattendance. Respondent did finish parenting classes and a portion of her drug treatment, and she was appropriate with the child at visitations she attended just prior to termination. However, the examining psychologist opined that respondent's prognosis for sustained recovery was poor, given her history of relapses and failed attempts at treatment. The record supports this view.

We find, after reviewing the record, that the trial court did not clearly err in finding clear and convincing evidence to terminate respondent's parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g) or in finding termination to be in the child's best interests. MCL 712A.19b(5). As of the final hearing, respondent had stayed for about two weeks in Grace Centers of Hope, where she had begun an intensive, year-long drug treatment program. While she was making good progress, it was too early to say whether she would sustain her recovery and be able to provide a good home for her child. The trial court had given her over a year to make improvements. A parent must benefit from services in order to provide a safe, nurturing home. *In re Gazella*, 264 Mich App 668, 676-677; 692 NW2d 708 (2005). The court did not clearly err in finding that sufficient improvement had not occurred, and that it was unlikely that such would occur within a reasonable time, based on the evidence.

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Stephen L. Borrello
/s/ Amy Ronayne Krause