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**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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*In re* GOOSLIN/ECKER-TREJO, Minors.

UNPUBLISHED

May 21, 2020

No. 349995

Ingham Circuit Court

Family Division

LC Nos. 16-000038-NA;

18-000073-NA

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Before: RONAYNE KRAUSE, P.J., and SERVITTO and REDFORD, JJ.

PER CURIAM.

Respondent appeals as of right the trial court’s order terminating her parental rights to the minor children, SG and ST, under MCL 712A.19b(3)(c)(i) (conditions that led to adjudication continue to exist), (c)(ii) (failure to rectify other conditions), (g) (failure to provide proper care and custody), and (j) (reasonable likelihood of harm if returned to parent).<sup>1</sup> We affirm.

I. FACTS

On January 19, 2016, the Department of Health and Human Services (DHHS) petitioned for SG’s removal from the family home because SG suffered from physical abuse. Respondent left SG with her mother during December 2015 so that she could work more hours during the holidays. When respondent took SG back into her care, SG appeared listless and vomited for two days. Respondent sought medical care for SG at the hospital on January 3, 2016. Medical examinations revealed that SG had numerous bruises “in different stages of healing,” along with rib fractures and internal injuries including a tear in his small intestine caused by “blunt force trauma to the abdomen.” Doctors concluded that SG had suffered severe physical abuse. Although it never became clear who caused SG’s injuries, he likely suffered abuse before, during, and after he stayed with respondent’s mother. The DHHS removed SG from respondent’s care in January 2016.

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<sup>1</sup> During the proceedings the trial court terminated SG’s father’s parental rights. He is not a party to this appeal. The trial court determined that ST had no legal father.

The primary barriers to reunifying respondent with SG consisted of respondent's history of being in abusive relationships and respondent's lack of stable, suitable housing. Respondent obtained housing and participated in some services and partially benefited from them, but later she stopped attending counseling, missed parenting time visits, and lost her housing.

On January 23, 2018, DHHS petitioned for ST's removal from the home, alleging that respondent remained in contact with ST's alleged father, MT, even though MT physically abused respondent. On February 12, 2019, the DHHS filed a supplemental petition seeking termination of respondent's parental rights. The trial court terminated respondent's parental rights on July 12, 2019.

## II. STATUTORY GROUNDS

Respondent argues that the trial court erred by finding that clear and convincing evidence established statutory grounds under MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j) for termination of her parental rights. We disagree.

"This Court reviews for clear error the trial court's factual findings and ultimate determinations on the statutory grounds for termination." *In re White*, 303 Mich App 701, 709; 846 NW2d 61 (2014). "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 Schadler*, 315 Mich App 406, 408; 890 NW2d 676 (2016) (quotation marks and citation omitted).

Termination under MCL 712A.19b(3)(g) is proper when "[t]he parent, although, in the court's discretion, financially able to do so, 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." A parent may provide proper care and custody of a child through relatives. *In re Mason*, 486 Mich 142, 161 n 11; 782 NW2d 747 (2010).

In this case, respondent had the financial ability to provide proper care and custody of the children. The record reflects that respondent generally maintained employment during the pendency of this case. Respondent, however, failed to provide proper care and custody for the children. SG suffered severe, life-threatening physical abuse that likely occurred before, during, and after his stay with respondent's mother in December 2015. Respondent also failed to provide proper care and custody of ST. The DHHS removed ST from respondent's care after multiple individuals reported that, with ST present, respondent continued having contact with ST's father, who had a history of violence. Further, during an unannounced home visit, a caseworker found that respondent had left ST in the care of a babysitter who did not know his name. The record also indicates that respondent failed to abide by safe sleep practices. A caseworker observed ST sleeping on the couch close to a space heater that could have fallen on him.

Respondent argues that she benefited from therapy because she realized why her relationships were dangerous to the children. The record, however, reflects that respondent failed to consistently participate in and benefit from services. She stopped attending her therapy which limited her progress. The record reflects that the trial court found that during the pendency of this case, respondent failed to be truthful about many things. We defer to the special ability of the trial

court to judge the credibility of witnesses. *In re Medina*, 317 Mich App 219, 227; 894 NW2d 653 (2016). The record indicates that both children were removed from respondent's care and placed in the care of others. Respondent failed to attend all parenting time visits. Respondent also failed to show that she had fully addressed her history of being in abusive relationships. The record also reflects that respondent failed to maintain stable housing.

The record in this case reflects that petitioner presented sufficient evidence from which the trial court properly found that clear and convincing evidence established that respondent, although financially able to do so, failed to provide the children proper care and custody, and no reasonable expectation existed that respondent would be able to provide proper care and custody within a reasonable time considering the children's ages. Accordingly, the trial court did not err.

Because the trial court correctly determined that statutory grounds existed to terminate respondent's parental rights under MCL 712A.19b(3)(g), we need not consider the other statutory grounds on which the trial court terminated respondent's parental rights. See *In re Frey*, 297 Mich App 242, 244; 824 NW2d 569 (2012).

### III. BEST INTERESTS

Respondent argues that the trial court clearly erred by ruling that terminating respondent's parental rights served the children's best interests. We disagree.

We review the trial court's best-interest determination for clear error. *In re Schadler*, 315 Mich App at 408. "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." *Id.* (quotation marks and citation omitted).

When determining whether termination is in the children's best interests, the trial court must "focus on the child rather than the parent." *Id.* at 411. "[T]he 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) (citations omitted). The trial court may also consider, in relevant part, the parent's compliance with a case service plan and history of visitation with the child, the children's well-being while in foster care, and the possibility of adoption. *In re White*, 303 Mich App at 714.

Respondent argues that termination of her parental rights did not serve the children's best interests because all of the factors weighed in her favor against termination. The record does not support respondent's contention. Although respondent initially had a bond with both SG and ST, that changed over time. Her bond with SG weakened because of the length of time SG remained in care. Although respondent had opportunity to maintain her bond with the children, respondent missed numerous parenting time visits. Further, when she visited the children, she often used her phone and failed to give them her undivided attention. The record also reflects that respondent lacked parenting ability. She failed to care for SG, particularly when he presented with severe physical abuse that required immediate medical attention. Additionally, the record reflects that respondent had a history of associating with violent individuals who posed a serious danger to the children and were likely directly responsible for harming the children. Despite that danger,

respondent persisted in engaging in relationships with individuals who posed a danger to the children and denying those relationships.

The record reflects and respondent admitted that both SG and ST needed stability. Respondent, however, failed to maintain housing to enable her to provide proper care for the children. Respondent lacked the ability to provide the children permanency, stability, and finality. SG and ST were placed together in the same foster home where they each did very well. The record reflects that their foster mother was willing to provide permanency.

The record indicates that respondent was offered services but she failed to fully engage in those services to enable her to progress. Further, although given the opportunity to visit with the children, respondent failed to attend all available visits. Respondent failed to fulfill her case service plan. Based on the record before us, the best-interest factors favored termination. The record reflects that the trial court appropriately considered and weighed the applicable best-interest factors and correctly determined that termination served the children's best interests. Accordingly, the trial court did not clearly err by terminating respondent's parental rights.

Affirmed.

/s/ Amy Ronayne Krause  
/s/ Deborah A. Servitto  
/s/ James Robert Redford