

STATE OF MICHIGAN
COURT OF APPEALS

In re ROLLAND, Minors.

UNPUBLISHED
May 20, 2021

No. 355272
Ingham Circuit Court
Family Division
LC No. 16-001750-NA

Before: CAMERON, P.J., and BORRELLO and REDFORD, JJ.

PER CURIAM.

Respondent appeals the trial court’s order terminating his parental rights to the minor children, CR and AR, under MCL 712A.19b(3)(c)(i) (conditions that led to adjudication continue to exist) and (g) (failure to provide proper care and custody). We affirm.

I. BACKGROUND

This matter began in December 2016, when the Department of Health and Human Services (DHHS) filed a petition. At the time the petition was filed, respondent was living with SA, who is CR’s mother. CR also lived in the home, as did SA’s other children. The petition alleged that one of SA’s children, with whom respondent did not have a biological relationship, was being medically neglected. Thereafter, in January 2017, AR was born with substances in her system and required extensive medical treatment as a result of SA using cocaine during her pregnancy. DHHS amended the petition, which the trial court later authorized. The trial court exercised jurisdiction over CR and AR but ordered that they be placed in SA’s home, where respondent continued to live. Respondent and SA were ordered to participate in Intensive Neglect Services.

In the spring of 2017, both CR and AR were removed from the home and placed in foster care because of concerns that AR was being medically neglected and because of concerns regarding illicit substances and illegal activity occurring in the home. Respondent was granted parenting time and was ordered to comply with and benefit from services, which included parenting classes, substance abuse treatment, and substance screenings. Respondent’s participation in services was poor at times, and he failed to demonstrate an ability to maintain sobriety. Respondent also failed to attend all of AR’s medical appointments and in general failed to demonstrate that he could provide the children with stability or permanence.

In April 2020, DHHS filed a supplemental petition, requesting that the trial court terminate respondent's parental rights to the children under MCL 712A.19b(3)(c)(i) and (g).¹ At the September 2020 termination hearing, the caseworker testified about respondent's lack of consistent progress during the lengthy proceeding, and CR's therapist testified about CR's need for permanence and stability. Respondent testified on his own behalf, indicating that he had ended his relationship with SA and that he required additional time to comply with DHHS's requirements. After the close of proofs, the trial court found that DHHS had established by clear and convincing evidence that it was appropriate to terminate respondent's parental rights under the statutory grounds cited in the supplemental petition and that termination of respondent's parental rights was in the children's best interests. This appeal followed.

II. ANALYSIS

Respondent argues that the trial court clearly erred by finding that termination of his parental rights was in the best interests of the children. We disagree.

“The trial court must order the parent's rights terminated if the [DHHS] has established a statutory ground for termination by clear and convincing evidence and it finds from a preponderance of the evidence on the whole record that termination is in the children's best interests.” *In re White*, 303 Mich App 701, 713; 846 NW2d 61 (2014). We review the trial court's best-interest determination for clear error. *Id.*

This Court focuses on *the child*—not the parents—when reviewing a trial court's best-interest determination. *In re Schadler*, 315 Mich App 406, 411; 890 NW2d 676 (2016). “In making its best-interest determination, the trial court may consider the whole record, including evidence introduced by any party.” *In re Medina*, 317 Mich App 219, 237; 894 NW2d 653 (2016) (quotation marks and citation omitted).

[T]he court should consider a wide variety of factors that may include 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. The trial court may also consider . . . the parent's compliance with his or her case service plan, the parent's visitation history with the child, the children's well-being while in care, and the possibility of adoption. [*In re White*, 303 Mich App at 713-714 (quotation marks and citations omitted).]

The court may also consider the children's ages. *In re Jones*, 286 Mich App 126, 131; 777 NW2d 728 (2009).

The trial court did not clearly err when it found that termination of respondent's parental rights was in the children's best interests. A preponderance of the evidence established that respondent did not possess the skills necessary to provide for the children's special needs. AR, who was 3-1/2 years old at the time of termination, had been diagnosed with several medical conditions as a result of AS's use of substances during her pregnancy. Nonetheless, respondent

¹ SA voluntarily relinquished her parental rights to the children before the termination hearing.

failed to attend all of AR's medical appointments and, when he did attend, there were concerns that respondent was "not engaging with the doctors" by asking questions about AR's medical care. CR, who was 6-1/2 years old at the time of termination, suffered from trauma-related mental health issues. Specifically, CR's therapist testified that CR had attachment issues and required predictability, consistency, and stability. According to the therapist, when respondent failed to attend a therapy session in June 2020, CR was "devastated" and "shut down[.]" CR also reacted negatively when respondent failed to attend scheduled parenting times. Despite this, respondent canceled a visit with the children in the days leading up to termination.

Additionally, respondent was unable or unwilling to put the children's needs above his own. The caseworker testified that respondent struggled to comply with the case service plan and that he frequently missed substance screenings and tested positive for illegal substances 21 times during the proceeding. Although respondent was permitted to have unsupervised, overnight visitations with the children at one point during the proceeding, such visitations were revoked in late 2019 or early 2020 because of concerns regarding his substance abuse. Respondent also continued his relationship with SA for a majority of the proceeding despite the fact that the relationship was hindering his progress. Additionally, respondent informed the caseworker in the time leading up to the termination hearing that he wanted to get a DNA test to ensure that CR and AR were his biological children. Thus, although respondent shared a bond with the children at the time of termination, the record supports that the bond was not healthy for the children because respondent was unable to care for the children's special needs and was unable or unwilling to put their needs above his own. See *In re CR*, 250 Mich App 185, 197; 646 NW2d 506 (2002), overruled on other grounds by *In re Sanders*, 495 Mich 394 (2014) (holding that the fact that there was a "serious dispute on the record concerning whether [the respondent] had a healthy bond of any sort with her children" supported that termination of her parental rights was in the children's best interests).

Meanwhile, the children were doing well in their placement. CR was receiving the structure that she required, and AR's medical conditions were improving. While the children would likely have to be moved from their foster home to a pre-adoptive home as a result of termination, the trial court did not clearly err by concluding that the children would be best served by terminating respondent's rights. Respondent had been given many opportunities to demonstrate stability, but he failed to do so during the lengthy proceeding. Additionally, testimony supported that the benefits of placing the children with a stable adoptive family would outweigh the drawbacks of separating the children from respondent and placing them in a new home.

Respondent argues that, even if the trial court did not believe that respondent could adequately provide for AR's unique medical needs, the court erred by terminating his rights to CR given their strong bond. "[T]he trial court has a duty to decide the best interests of each child individually." *In re White*, 303 Mich App at 715 (quotation marks and citation omitted). "[I]f the best interests of the individual children *significantly* differ, the trial court should address those differences when making its determination of the children's best interests." *Id.* at 715. However, it is not necessary for the trial court to make "redundant factual findings concerning each child's best interests." *Id.* at 716. In this case, AR's medical needs did not play a major role in the trial court's finding that termination was in the children's best interests. Instead, the trial court's primary reason for terminating respondent's parental rights derived from the children's need for stability and permanence, and the best interest of the children did not significantly differ with

respect to these needs. Indeed, both children had been in care for a vast majority of their young lives. Furthermore, in light of the testimony concerning CR's specific need for structure and how she struggled when there was upheaval in her life, we conclude that the trial court did not clearly err by concluding that termination was in CR's best interests.

In sum, in light of the length and history of the case, we conclude that the trial court did not clearly err by determining that termination of respondent's parental rights was in the children's best interests. See *In re White*, 303 Mich App at 713-714.

Affirmed.

/s/ Thomas C. Cameron

/s/ Stephen L. Borrello

/s/ James Robert Redford