# STATE OF MICHIGAN

# COURT OF APPEALS

*In re* BANKS, Minors.

UNPUBLISHED
January 21, 2021

Nos. 352940; 352943
Wayne Circuit Court
Family Division
LC No. 15-521396-NA

Before: K.F. KELLY, P.J., and STEPHENS and CAMERON, JJ.

PER CURIAM.

In these consolidated appeals,[1] respondents appeal the trial court's amended order terminating their parental rights to their minor children, DTB and DLB. In Docket No. 352940, respondent-mother's parental rights were terminated under MCL 712A.19b(3)(c)(*i*) (conditions that led to adjudication continue to exist). In Docket No. 352943, respondent-father's parental rights were terminated under MCL 712A.19b(3)(a)(*ii*) (desertion and failure to seek custody), (c)(*i*), (g) (failure to provide proper care or custody), (j) (reasonable likelihood of harm if returned to parent), and (k)(*i*) (abuse by abandonment of young child). We affirm.

## I. BACKGROUND

This matter began when the Department of Health and Human Services ("DHHS") filed a petition in December 2015. In pertinent part, the petition alleged that DLB had recently been admitted to the hospital for malnutrition. Additionally, respondent-mother had numerous mental health diagnoses and cognitive impairments that hindered her ability to properly care for the children. It was alleged that respondent-father was residing in Alabama at the time and was not able to care for the children. The petition was authorized following a preliminary hearing, at which time the trial court placed the children in foster care and granted respondents supervised parenting time.

[1] *In re Banks Minors*, unpublished order of the Court of Appeals, entered March 13, 2020 (Docket Nos. 352940 and 352943).

In April 2016, the trial court found statutory grounds to exercise jurisdiction with respect to both respondents and ordered that reasonable efforts be made toward reunification. Respondent-mother's initial case service plan included visits with the children, mental health services, parenting classes, GED preparation courses, and maintaining suitable housing and a legal source of income. The trial court adopted the plan and also ordered respondent-mother's services to include a parent partner. Throughout the case, respondent-mother was generally considered compliant with the case service plan. Specifically, she completed parenting classes and consistently participated in mental health services at Team Mental Health ("TMH"). There were few concerns regarding the adequacy of her home or income. Respondent-mother also attended all visits with the children. However, service providers and caseworkers who supervised the visits often observed that respondent-mother was unable to properly care for the children, particularly when they misbehaved or became dysregulated. Petitioner referred respondent-mother to additional services in an effort to help her improve her parenting skills.

Following his adjudication, respondent-father advised petitioner that he planned to remain in Alabama and that he wanted to plan for the children there. A caseworker explained that petitioner would need to initiate a request under the interstate compact on the placement of children ("ICPC"), MCL 3.711 *et seq*., in order to enable an Alabama agency to assess respondent-father's home and permit referral to state-funded services. The caseworker also recommended that respondent-father participate in parenting classes, visits with the children when he was in Michigan, and a psychological evaluation. The trial court adopted these recommendations and also directed respondent-father to participate in any ICPC requirements. Respondent-father failed to consistently visit the children, instead relying on respondent-mother to call him during her visitations. After numerous delays in processing the ICPC request, Alabama denied the request in February 2018 because respondent-father had failed to communicate with the state agency. Consequently, petitioner was not able to refer respondent-father to services in Alabama.

In July 2018, petitioner filed a supplemental petition, seeking termination of respondents' parental rights. The termination hearings were held over the course of several months. At the close of proofs, the referee presiding over the hearings found several statutory grounds for termination of respondent-father's parental rights, but was not persuaded that there was sufficient evidence for termination of respondent-mother's parental rights. The referee opined that because termination of respondent-mother's parental rights was not appropriate, it was not in the children's best interests to terminate respondent-father's parental rights either. After the situation remained essentially unchanged in the months following the referee's decision, petitioner filed another supplemental petition for termination of respondents' parental rights in November 2019. Following a hearing in January 2020, the trial court terminated both respondents' parental rights. These appeals followed.

## II. ANALYSIS

### A. RESPONDENT-MOTHER (DOCKET NO. 352940)

#### 1. REASONABLE REUNIFICATION EFFORTS

Respondent-mother first argues that the trial court did not make reasonable efforts toward reunification because it did not sufficiently accommodate her disabilities. We disagree.

"Under Michigan's Probate Code, the [DHHS] has an affirmative duty to make reasonable efforts to reunify a family before seeking termination of parental rights." *In re Hicks/Brown*, 500 Mich 79, 85; 893 NW2d 637 (2017). "As part of these reasonable efforts, the [DHHS] must create a service plan outlining the steps that both it and the parent will take to rectify the issues that led to court involvement and to achieve reunification." *Id*. at 85-86. This includes updating the parent's treatment plan throughout the case, and giving the parent reasonable time to make changes and benefit from the services before the termination of parental rights. *In re Mason*, 486 Mich 142, 156; 782 NW2d 747 (2010). "If a parent cannot or will not meet her irreducible minimum parental responsibilities, the needs of the child must prevail over the needs of the parent." *In re Terry*, 240 Mich App 14, 28; 610 NW2d 563 (2000) (quotation marks and citation omitted).

However, if a parent suffers from a disability under the Americans with Disabilities Act ("ADA"), 42 USC 12101 *et seq*., or suffers from "a known or suspected intellectual, cognitive, or developmental impairment," petitioner has a duty to reasonably accommodate the parent's disability by offering services designed to facilitate the child's return to his or her home. *In re Hicks/Brown*, 315 Mich App 251, 281-282; 890 NW2d 696 (2016), vacated in part on other grounds, 500 Mich 79 (2017). In *In re Hicks/Brown*, 315 Mich App at 282, this Court explained that petitioner must

> offer evaluations to determine the nature and extent of the parent's disability and to secure recommendations for tailoring necessary reunification services to the individual. The DHHS must then endeavor to locate agencies that can provide services geared toward assisting the parent to overcome obstacles to reunification. If no local agency catering to the needs of such individuals exists, the DHHS must ensure that the available service providers modify or adjust their programs to allow the parent an opportunity to benefit equally to a nondisabled parent.

"[E]fforts at reunification cannot be reasonable . . . if the [DHHS] has failed to modify its standard procedures in ways that are reasonably necessary to accommodate a disability under the ADA." *In re Hicks/Brown*, 500 Mich at 86. However, "[w]hile the [DHHS] has a responsibility to expend reasonable efforts to provide services to secure reunification, there exists a commensurate responsibility on the part of [the] respondent[] to participate in the services that are offered." *In re Frey*, 297 Mich App 242, 248; 824 NW2d 569 (2012).

In this case, we fail to see how petitioner failed to offer respondent-mother services to address her issues. Petitioner was aware from the onset of this case that respondent-mother suffered from a cognitive impairment and mental health issues. The first case service plan that was adopted by the trial court following respondent-mother's adjudication included services designed to help respondent-mother achieve reunification. In particular, the plan included requirements for parenting classes, a parent partner, and mental health treatment. Respondent-mother was referred to and completed parenting classes early in the case. Petitioner also referred respondent-mother to the parent partner program promptly, though there was some initial difficulty with the referral because the parent partner did not have respondent-mother's current phone number. When the problem was resolved and respondent-mother began working with a parent partner, the service was terminated prematurely after respondent-mother failed to return money that had been provided for a utility bill. With respect to mental health services, respondent-mother consistently worked with TMH throughout the case.

An updated case service plan that was presented to the trial court one month after the adjudication provides further insight into the methods employed by petitioner to accommodate respondent-mother's cognitive impairment. Specifically, the updated plan identified respondent-mother's intellectual capacity as a need to be addressed. The updated plan explained that the caseworker agreed to work with respondent-mother to help her understand the things she did not initially comprehend and to also motivate respondent-mother to actively participate and advocate for herself in services. Respondent-mother, in return, agreed to ask for additional explanations if she did not understand something. At the termination hearing concerning the first supplemental petition, respondent-mother testified that she felt comfortable talking to the caseworkers, and there is substantial evidence throughout the record demonstrating that respondent-mother did not hesitate to ask caseworkers or service providers for help when she needed it.

After respondent-mother completed her parenting classes, it remained clear that she still struggled to manage the children during visits, although not for a lack of sincere effort. Consequently, several other services were implemented, including two sessions with a supportive visitation coach. The supportive visitation coach service was among the "most intensive" parenting services available in the community. Respondent-mother's second coach explained that the program provided hands-on parenting lessons, through which the coach encourages the parent to implement and improve specific parenting skills. Respondent-mother read material about various skills aloud to the coach before each visit; they would then discuss the material, whether respondent-mother was already using the skill, and how the skill could improve her parenting. The coach also helped respondent-mother use the skill during the subsequent visit. The coach was confident that respondent-mother understood the lessons, as respondent-mother would implement skills directly after learning them. However, respondent-mother was not able to consistently apply the same skills during later visits, even if they discussed the skills again. Respondent-mother's visits with the children were also frequently attended by other specialists, such as the children's infant mental health clinicians and therapists. The specialists were available to provide respondent-mother with personal assistance in recognizing and responding to the children's needs.

Moreover, petitioner discovered and referred respondent-mother to two additional programs that were specifically designed to help adults with cognitive impairments. Petitioner identified the first program in February 2017. Respondent-mother did not participate in that program, however, because it would have required her to change her insurance and mental health care provider. Respondent-mother explained that she was comfortable with her treatment at TMH and was unwilling to switch to a program that would provide essentially the same services. At the March 15, 2018 dispositional review, a foster-care supervisor explained that petitioner still hoped to find additional services that would provide a targeted benefit with respect to respondent-mother's cognitive impairment. Another specialized program was identified, but respondent-mother once again declined to participate in it because it would overlap with and replace her TMH services. When questioned about this matter, respondent-mother maintained that the services at both specialized programs were no different than the services that she received through TMH and further insisted that her TMH therapist worked with her to address her disability. Although the caseworkers tried to explain that the alternative programs would be more tailored to respondent-mother's disability, she remained convinced that her own assessment of the nature of the services was accurate.

As this Court has explained before, while petitioner undoubtedly has a responsibility to expend reasonable efforts toward reunification, the respondent has a corresponding responsibility to participate in and benefit from the services provided. *In re Frey*, 297 Mich App at 248. In this case, it is clear that petitioner remained mindful of respondent-mother's issues throughout this lengthy case and tried to accommodate her by selecting services that involved a more personalized, hands-on approach to improve respondent-mother's parenting skills. Despite respondent-mother's diligent participation in these services, the common consensus among the caseworkers and service providers was that respondent-mother did not sufficiently benefit. Respondent-mother also chose not to participate in the programs that were designed to provide assistance to parents with cognitive impairments. Consequently, we are not persuaded that she would have fared better if petitioner had offered other services. See *In re Fried*, 266 Mich App 535, 543; 702 NW2d 192 (2005). We therefore conclude that the trial court did not clearly err by determining that petitioner made reasonable efforts to promote reunification with respect to respondent-mother. See *id*. at 541-543 (applying a clear error standard of review to challenge reasonableness of services).

## 2. STATUTORY GROUND

Respondent-mother argues that the trial court clearly erred by finding clear and convincing evidence supporting the statutory ground cited in support of termination. We find no clear error warranting reversal.

"In order to terminate parental rights, the trial court must find by clear and convincing evidence that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met." *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011). A finding is clearly erroneous if, although there was evidence to support it, this Court is left with a definite and firm conviction that a mistake was made. *In re Mason*, 486 Mich at 152. To be clearly erroneous, a decision must be more than maybe wrong or probably wrong. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). This Court must give regard "to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it." MCR 2.613(C).

We conclude that the trial court did not clearly err by finding that termination was warranted under MCL 712A.19b(3)(c)(*i*), which provides as follows:

> [t]he parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds . . . the following:
>
> (*i*) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

This Court has previously held that termination was proper under (c)(*i*) where "the totality of the evidence amply support[ed] that [the respondent] had not accomplished any meaningful change in the conditions" that led to adjudication. *In re Williams*, 286 Mich App 253, 272; 779 NW2d 286 (2009).

In this case, at the time of termination, "182 or more days" had "elapsed since the issuance of [the] initial dispositional order" with respect to respondent-mother. See MCL

712A.19b(3)(c)(*i*). Furthermore, the record establishes that respondent-mother had not accomplished any meaningful change in the condition that led to adjudication, i.e., respondent-mother's inability to properly care for the children.

At the first dispositional review hearing in August 2016, a caseworker testified that respondent-mother struggled to manage both children at the same time, especially when DTB was misbehaving. In November 2016, the caseworker reported that respondent-mother had difficulty maintaining the safety of both children during visits. During the reporting period addressed at the February 2017 hearing, respondent-mother chased after DTB when he ran off at the mall. If the caseworker had not been present, DLB would have been left behind and without supervision. In May 2017, the caseworker reported that respondent-mother continued to struggle with DTB's aggressive behavior and would become overwhelmed or frustrated. In July 2017, a new caseworker expressed similar concerns that respondent-mother could not handle both children simultaneously. In October 2017, a foster-care supervisor opined that despite respondent-mother's best efforts to utilize the skills that she was learning, she had trouble internalizing the lessons and would therefore repeat the same problems during later visits. In December 2017, another caseworker indicated that things had improved when a supportive visitation coach was provided. However, the "chaotic" nature of respondent-mother's time with the children, which continued to be supervised, remained the primary barrier to reunification.

The trend continued throughout 2018 and eventually prompted petitioner to file its first supplemental petition for termination of respondent-mother's parental rights. After the first supplemental petition was denied, caseworkers continued to note concerns about respondent-mother's frequent need for assistance, even when visiting each child separately. Much of the testimony at the termination hearing regarding the second supplemental petition was duplicative of the evidence presented at earlier hearings. It was noted that respondent-mother was never permitted to have unsupervised visitation with the children because of her inability to retain the benefit of the services or to consistently apply the skills that she had learned. DLB's infant mental health therapist spoke of respondent-mother's interactions with DLB specifically, noting that respondent-mother found it challenging to recognize and meet his emotional needs. In sum, respondent-mother's inability to consistently provide proper care for the children was the constant theme at nearly every hearing that took place during this lengthy case. Thus, the totality of the evidence amply supports that respondent-mother had not accomplished any meaningful change in the condition that led to adjudication. See *In re Williams*, 286 Mich App at 272.

Furthermore, the record clearly establishes that there was no reasonable likelihood that the condition that led to adjudication would "be rectified within a reasonable time considering the child[ren]'s age[s]." See MCL 712A.19b(3)(c)(*i*). In July 2018, one of DTB's therapists opined that respondent-mother would not be able to correct the deficiencies in her parenting skills with additional time. DLB's therapist mirrored this sentiment when the trial court was considering terminating respondent-mother's parental rights in January 2020. Importantly, as already discussed, respondent-mother was provided extensive services for more than four years. Although she made progress at times, she did not demonstrate a consistent ability to appropriately care for the children.

Considering the children's young ages and special needs, it was guaranteed that the children's needs would continue to evolve. Respondent-mother was not prepared to recognize or

to adapt to those changes. Given the children's young ages and desperate need for permanency, they could not wait an indefinite amount of time for respondent-mother to be able to provide them with proper care and custody. See, e.g., *In re Dahms*, 187 Mich App 644, 647-648; 468 NW2d 315 (1991) (holding that, because the Legislature did not intend for children to be left in foster care indefinitely, it is proper to focus on how long it will take a respondent to improve and on how long the involved children can wait). The trial court's finding that termination was proper under MCL 712A.19b(3)(c)(*i*) does not leave us with a definite and firm conviction that a mistake has been made.

Furthermore, contrary to respondent-mother's arguments on appeal, we conclude that respondent-mother's general cooperation throughout the case and regular participation in the required services does not render the trial court's finding clearly erroneous. In *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003), our Supreme Court found termination of the respondent's parental rights clearly erroneous where the respondent "fulfilled every requirement of the parent-agency agreement," further stating that the respondent's "compliance negated any statutory basis for termination." Accepted at face value, this pronouncement might support respondent-mother's position. However, immediately after making this statement, the *In re JK* Court added, "the parent's compliance with the parent-agency agreement is evidence of her ability to provide proper care and custody." *Id*. (emphasis omitted). Considering the Court's clarification that compliance is *evidence* of a respondent's ability to provide proper care, we infer that the Supreme Court did not intend to entirely bar termination when a respondent has complied with a case service plan regardless of the attendant circumstances.

This case presents a prime example of why such an unequivocal rule would prove unwise. All the evidence suggests that respondent-mother sincerely tried to do everything that was asked of her, and usually succeeded in terms of attending and participating in services. Nonetheless, despite respondent-mother's "compliance," there was overwhelming evidence that she was simply unable to retain the benefit of her services. This, in turn, left her without the skills that she needed to properly respond to the children's needs with any consistency, and the minimal, unsteady progress that she made during the lengthy proceeding strongly suggested that she would not be able to do so within a reasonable time.

At any rate, while respondent-mother made laudable efforts and was generally considered "in compliance," she did not *fully* satisfy the requirements of her case service plan. Following respondent-mother's adjudication, a caseworker explained that respondent-mother's case service plan included parenting time, mental health services, parenting classes, GED preparation classes, and maintaining suitable housing and a legal source of income. In accepting this plan, the trial court also ordered respondent-mother to work with a parent partner. Respondent-mother did not complete her GED classes, and she was terminated from the parent partner program. Thus, it cannot be said that she was completely compliant. More importantly, the caseworker who testified about the components of respondent-mother's case service plan only provided a general summary of the actual agreement executed by respondent-mother. The full agreement, which is contained in the record, is far more detailed. With respect to parenting skills, the agreement identifies a goal of demonstrating "healthy, effective, age-appropriate parenting skills." The steps respondent-mother agreed to take in order to achieve that goal included "[d]emonstrat[ing] the ability to identify and address emotional & physical needs of children," and "[i]mplement[ing] lessons learned at parenting classes into parenting time[.]" Respondent-mother was not able to accomplish

these steps. Consequently, we conclude that respondent-mother's compliance with the case service plan alone does not preclude termination.

3. BEST INTERESTS

Respondent-mother argues that the trial court clearly erred by finding that termination was in the children's best interests. 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 children*—not the parents—when reviewing best interests. *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).]

With respect to the bond between respondent-mother and the children, over the course of the case many witnesses expressed concern that the children's reactions to respondent-mother were not indicative of a secure attachment. The record is replete with evidence that DTB exhibited extreme behavioral difficulties during the majority of the case, and DLB's behavior declined in a similar manner as the years passed. As explained earlier, respondent-mother was ill-equipped to respond to the children's behavioral challenges. By the time of the final hearing, both children had been diagnosed with attention deficit hyperactivity disorder and oppositional defiant disorder. DTB also suffered from a mood disorder and adjustment disorder, while DLB was additionally diagnosed with impulse control disorder. Both children had special designations within the foster-care system, with DTB having a serious emotional disturbances waiver in place and DLB receiving a "determination of care level II," which meant that he required extra supervision for his special needs. Additionally, because of their special needs, the children were moved to new foster-care placements with unfortunate frequency during the proceeding. The record establishes that the children's long-term instability was harming their development and that they would continue to suffer until they found permanency. The length and history of the case suggested that respondent-mother would not be able to provide satisfactory care in the foreseeable future. Although the children were not in preadoptive placements, the record supports that petitioner would be able to look for a specialized placement if respondents' parental rights were terminated.

Despite the record evidence, respondent-mother argues on appeal that the trial court erred by failing to discuss the children's best interests or consider relevant factors, particularly those that supported continuing respondent-mother's parental rights. We disagree. In its oral ruling, the trial court recognized the obvious love that respondent-mother had for her children and her consistent participation in visits. However, the trial court also noted that the children had severe emotional needs, medical conditions that could require significant treatment in the future, and a history of increased dysregulation while visiting respondent-mother. The trial court was dismayed by the length of time that the young children had remained in foster care, rhetorically asking when the children would finally be allowed to consider themselves "home," secure, and able to thrive. The trial court also emphasized that the children required permanency with a caregiver who could read their emotional triggers and support them as they grew into adulthood. The trial court also recognized that the children had no chance for such permanency under the conditions that existed at the time of the hearing. Even though the trial court did not engage in a separate, detailed analysis of the children's best interests, it certainly touched upon many relevant factors throughout its ruling.

Respondent-mother also takes issue with the trial court's failure to address the best interests of each child separately. However, it is only when "the best interests of the individual children *significantly* differ" that the trial court must address each children's best interests separately. *In re White*, 303 Mich App at 715. Absent a significant difference, this Court will not find error merely because the trial court did not "explicitly make individual and—in many cases—redundant factual findings concerning each child's best interests." *Id*. at 716. In this case, the children both had similar emotional and behavioral needs that were not being met by respondent-mother, and both children required permanency after more than four years in foster care. Consequently, we conclude that their circumstances were not so different that the trial court was required to assess their best interests separately. For these reasons, we conclude that the trial court did not clearly err by finding that termination of respondent-mother's parental rights was in the children's best interests.

## B. RESPONDENT-FATHER (DOCKET NO. 352943)

### 1. STATUTORY GROUNDS AND REASONABLE EFFORTS

Respondent-father challenges the trial court's findings regarding statutory grounds for termination and, like respondent-mother, argues that petitioner did not make reasonable efforts toward reunification, although his position does not rest on petitioner's duty to make accommodations under the ADA. Instead, respondent-father argues that petitioner's efforts were inadequate because petitioner only made a few ICPC referrals and did nothing else to help him reunify with the children. Respondent-father argues that his parental rights should not have been terminated merely because he was unable to complete the ICPC paperwork without assistance and implies that his poverty and limited education were the true reasons for the termination of his parental rights. We disagree with respondent-father's characterization of the record.

Concerning the latter point, i.e., respondent-father's belief about the reasons for the trial court's ruling, we acknowledge that the trial court belabored the impediments posed by respondent-father's circumstances in its oral ruling, commenting on respondent-father's limited education and the difficulties faced by impoverished litigants. Read in context, however, we are

not persuaded that the trial court's comments reflected its reasons for terminating respondent-father's parental rights. Instead, the trial court was simply expressing frustration with shortcomings in the State's handling of child support matters and, to a lesser extent, recognition that respondent-father's limited resources were not entirely within his control. Indeed, the trial court was required to consider whether respondent-father was able to financially provide for the children because petitioner had requested termination of respondent-father's parental rights under MCL 712A.19b(3)(g).

Respondent-father's arguments regarding the adequacy of petitioner's efforts in this case is also without factual merit. At the time of the initial disposition following respondent-father's adjudication, the caseworker explained that respondent-father wanted to plan for the children in Alabama and that an ICPC request would need to be completed to allow a local agency to assess respondent-father's home. At the next hearing, nearly three months later, the ICPC request had not yet been submitted because the caseworker needed verification of respondent-father's income and background checks for respondent-father and his live-in girlfriend in order to complete the application. It took several additional months for respondent-father to produce the necessary information. The ICPC request was approved by the state in April 2017 and forwarded to Alabama for further processing. On February 1, 2018, a social worker in Alabama advised petitioner that the case had been closed without completing the requested home assessment because respondent-father had never submitted the necessary paperwork. The social worker explained that respondent-father had left her a message, indicating that he needed assistance with the paperwork, but the social worker was unable to reach respondent-father by phone thereafter. The social worker also indicated that she had attempted to communicate with respondent-father by mail several times, eventually sending a letter indicating that the ICPC request would be denied if he did not respond by January 31, 2018.

In January 2019, a caseworker spoke with respondent-father about going to the Alabama agency in charge of processing the ICPC request to look into reopening the case. Although he had promised to do so, the caseworker had not yet heard from respondent-father at the time of the next hearing a month later. In fact, respondent-father did not provide the name of the person he had spoken with at the Alabama agency until August 2019, and the agency was unwilling to participate in respondent-father's services any further without a new referral. Petitioner made another ICPC referral in December 2019, but it was again denied because of respondent-father's previous noncompliance and because respondent-father's house was not large enough for the children.

Although respondent-father claimed that he had attempted to contact the Alabama agency several times, the trial court was not persuaded that respondent-father had cooperated with the ICPC process. This Court defers to the trial court's credibility assessments. MCR 2.613(C). Moreover, all of the caseworkers experienced a similar lack of communication or follow through from respondent-father. Because the multiple delays in processing the ICPC requests were primarily caused by respondent-father's failure to provide requested information or communicate with workers in a timely manner, we cannot conclude that petitioner's efforts were inadequate in this case. See *In re Frey*, 297 Mich App at 248. Indeed, without completing the ICPC, petitioner was simply unable to fully assess respondent-father's circumstances or refer him to state-funded services.

With respect to the five statutory grounds for termination found by the trial court, respondent-father only disputes the trial court's findings regarding MCL 712A.19b(3)(g), (j), and (k)(*i*). In order to terminate parental rights, the trial court must find that the petitioner established at least one statutory ground for termination by clear and convincing evidence. *In re Hudson*, 294 Mich App 261, 264; 817 NW2d 115 (2011). Only one ground need be established, even if the trial court's findings regarding other grounds were clearly erroneous. *In re Ellis*, 294 Mich App 30; 32; 817 NW2d 111 (2011). Respondent-father's failure to address each statutory ground relied upon by the trial court renders this issue moot because the trial court's findings regarding two statutory grounds would remain undisturbed even if this Court were to agree with respondent-father's arguments regarding MCL 712A.19b(3)(g), (j), and (k)(*i*). See *Garrett v Washington*, 314 Mich App 436, 449; 886 NW2d 762 (2016) (explaining that an issue is moot if this Court's ruling will not have "a practical legal effect on an existing controversy") (quotation marks and citation omitted). As a general rule, this Court will not address moot issues. *In re Detmer/Beaudry*, 321 Mich App 49, 55-56; 910 NW2d 318 (2017). Nonetheless, we have briefly considered whether statutory grounds existed for termination and conclude that the trial court did not clearly err by concluding that termination was proper under MCL 712A.19b(3)(c)(*i*), (g), and (j).

2. BEST INTERESTS

Respondent-father argues that the trial court clearly erred by finding termination of his parental rights to be in the children's best interests. We disagree.

Respondent-father left the State before DLB was born and had resided in Alabama since before this case began. After the children were placed in foster care, respondent-father only visited them two or three times. At the time of termination, respondent-father had not seen them since 2017. As already stated, respondent-father failed to comply with the ICPC procedure and did not participate in services during the lengthy proceeding. Moreover, the record suggests that respondent-father's home was not large for eight-year-old DTB, five-year-old DLB, and respondent-father's one-year-old daughter. Respondent-father also dismissed the struggles that would accompany the children's special needs, thereby demonstrating his lack of experience with parenting them and suggesting that he had not developed a realistic plan for providing proper care and custody. This is particularly worrying concerning the evidence that the children often became more dysregulated and aggressive around each other and other children.

The caseworkers who witnessed the children speak with respondent-father on the phone did not believe that they were bonded with respondent-father. DTB's therapist also noted that there were times when DTB did not want to speak to respondent-father when respondent-mother called him during visits. Although neither child was in a preadoptive placement at the time of termination, evidence supports that petitioner would be able to look for a specialized placement if respondents' parental rights were terminated. Furthermore, the children had been in foster care for four years and desperately required permanency, which respondent-father could not provide

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

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Cynthia Diane Stephens
/s/ Thomas C. Cameron