STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of KARRA LORRAINE NUNLEY and KORDELL JAMAR NUNLEY, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JARELL JACOB ROBINSON,

Respondent-Appellant,

and

KENDRA LORRAINE NUNLEY,

Respondent.

UNPUBLISHED
December 23, 2008

No. 281893
Wayne Circuit Court
Family Division
LC No. 03-423978-NA

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Before: Murray, P.J., and Markey and Wilder, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right the order terminating their parental rights to their son, and respondent mother's parental rights to both children, under MCL 712A.19b(3)(a)(ii), (c)(i), (g), (j), and (k)(i). We affirm.

The trial court did not clearly err in finding that at least one statutory ground for termination was established by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). There was insufficient evidence to establish abandonment for at least 91 days under MCL 712A.19b(3)(a)(ii) or abandonment of a young child under MCL 712A.19b(3)(k)(i). However, we affirm the trial court's decision because there was clear and convincing evidence of other statutory grounds. *In re Huisman*, 230 Mich App 372, 384-385; 584 NW2d 349 (1998), overruled in part on other grounds, *In re Trejo Minors*, 462 Mich 341, 353 n 10; 612 NW2d 407 (2000).

Both respondents argue that the supervisor's testimony was insufficient to establish statutory grounds. The supervisor admitted she did not know every detail of respondents' interactions with the foster care workers, and she gave inconsistent testimony about where respondents were required to visit their son. However, the record indicates that respondents stopped visiting sometime between November 2006 and April 2007, and there is no evidence contradicting the supervisor's testimony that respondent mother visited only three times between June 2007 and October 2007 and respondent father did not visit. Although respondent father showed interest in parenting immediately after the child's birth, in the year before termination he subsequently stopped making efforts.

Further, there was no evidence contradicting the supervisor's testimony that respondent father did not provide proof of employment or housing. Although the supervisor did not know how respondent father was referred to the fatherhood program, he was offered and failed to complete domestic violence counseling and parenting classes. Respondent mother completed parenting classes and was apparently not responsible for the delay in re-referral. However, she did not demonstrate any benefit by regularly attending supervised visits. She also offered proof of employment in April 2007, but she did not offer evidence that she remained employed through October 2007 and did not have a history of maintaining employment. She also offered no evidence that she obtained her general equivalency degree as she promised.

Respondents argue further on appeal that petitioner did not provide sufficient services, especially in light of respondents' ages and respondent mother's initial status as a court ward herself. Petitioner generally must make reasonable efforts to rectify the problems that led to adjudication. *In re Fried*, 266 Mich App 535, 542; 702 NW2d 192 (2005); MCL 712A.18f. To successfully claim lack of reasonable efforts, a respondent must establish that he would have fared better if petitioner offered other services. *In re Fried*, *supra* at 543. Neither respondent in the present case suggests any specific services that were not provided. Although the supervisor did not know all details of respondents' interactions with workers, the evidence established that respondent mother was offered a mother-baby program, parenting classes, individual counseling, and visitation, and respondent father was offered at least domestic violence counseling, parenting classes, and visitation.

Petitioner provided clear and convincing evidence that respondent father did not rectify the conditions leading to adjudication and was not reasonably likely to within a reasonable time, under MCL 712A.19b(3)(c)(i). He did not demonstrate that he had a suitable home, could financially support his child, was willing and able to visit his child, and had resolved the problems that led to domestic violence against the mother of his other children. Petitioner also provided clear and convincing evidence that respondent father was not reasonably likely to provide proper care and custody within a reasonable time, under MCL 712A.19b(3)(g), and the child was likely to be harmed if returned to his care, under MCL 712A.19b(3)(j).

Petitioner also provided clear and convincing evidence that respondent mother did not rectify the conditions leading to adjudication, her inability to support and provide a stable home and appropriate parenting, and was not reasonably likely to within a reasonable time, under MCL 712A.19b(3)(c)(i). Her failure to visit regularly was significant evidence of her continuing inability to parent. For the same reasons, there was also clear and convincing evidence that respondent mother was not reasonably likely to provide proper care and custody within a reasonable time, under MCL 712A.19b(3)(g), and the children were likely to be harmed if returned to her care, under MCL 712A.19b(3)(j).

A trial court is required to terminate parental rights after finding a statutory ground, unless it determines that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 352-353. There was no evidence the children and either respondent shared a bond at the time of termination in light of respondents' failure to visit regularly. There was no evidence that respondents saw the children more frequently during the last 11 months of this case than the supervisor testified. The trial court was also permitted to consider the children's need for permanence when determining whether termination was in their best interests. See *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991). The trial court did not err when it held that termination was not clearly against the children's best interests and terminated both respondents' rights.

Affirmed.

/s/ Christopher M. Murray
/s/ Jane E. Markey
/s/ Kurtis T. Wilder