

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
May 16, 2013

In the Matter of MCLEMORE, Minors.

No. 312471
Muskegon Circuit Court
Family Division
LC No. 09-038222-NA

Before: FORT HOOD, P.J., and FITZGERALD and O'CONNELL, JJ.

MEMORANDUM.

Respondent appeals by right the trial court order terminating his parental rights under MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm.

Respondent and the mother¹ of his seven children had a history with the Department of Human Services (DHS) dating back to 2009. Prior interventions and the provision of services resulted in the return of the children to the couple. In May 2011, a new petition for jurisdiction was filed. There were allegations that the mother's drug use resulted in a lack of supervision of the children, the couple could not maintain housing and utility services, the couple could not provide basic resources such as food for the children, and the family lived in deplorable conditions. Although reunification with the couple originally was the goal, DHS focused on planning for a return to respondent only in light of mother's recurrent drug abuse. However, respondent was unable to control the children during supervised visitation, made inappropriate comments to the children, had his visits suspended to improve the behavior of the children, and could not maintain his finances. Consequently, a petition for termination was filed. Despite respondent's contention that petitioner failed to provide services, the court held that grounds for termination were proven, and termination was in the children's best interests.

The trial court did not err in finding the statutory grounds for termination of respondent's parental rights were established by clear and convincing evidence. MCR 3.977(K); *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010). Respondent alleged that his caseworker failed to provide family services and financial assistance to remedy the housing situation. Therefore, he took action to stop the garnishments by declaring bankruptcy and planned on obtaining full-time

¹ The biological mother voluntarily relinquished her parental rights to the children, and she is not a party to this appeal.

employment. He testified that he only needed an additional time period to reunify with the children. However, a review of the record reveals that the trial court appropriately found that respondent failed to comply with or sufficiently benefit from services in light of the history of the failure to maintain housing and prior neglect of the children. *In re Frey*, 297 Mich App 242, 246; 824 NW2d 569 (2012); *In re LaFlure*, 48 Mich App 377, 390-391; 210 NW2d 482 (1973). Indeed, respondent admitted that he was unable to care for the children at the termination proceeding. Given respondent's long term inability to properly care for the children for several years, the trial court did not err in finding no reasonable expectation that he would become able to rectify conditions or provide proper care within a reasonable time and in terminating his parental rights under §§ 19b(3)(c)(i) and (g).²

Further, the trial court did not err in finding that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The trial court specifically noted the testimony of the caseworker, parent mentor, and counselor for three of the children to conclude that termination was in the children's best interests. The prospect of the children's return to respondent was described by those individuals as "clearly detrimental" and "disastrous." In addition, given no reasonable expectation that respondent would be able to provide a stable home and appropriate parenting for the children within a reasonable time, evidence that the bond between the children and respondent was minimal, and the children had the opportunity for stability in their placements or the prospect of adoption, the trial court did not clearly err in finding termination of respondent's parental rights to all seven children in their best interests.

Affirmed.

/s/ Karen M. Fort Hood
/s/ E. Thomas Fitzgerald
/s/ Peter D. O'Connell

² Although termination is appropriate when the DHS proves one or more grounds for termination by clear and convincing evidence, the existence of only one statutory ground to support the order for termination is necessary. *Frey*, 297 Mich App at 242. Although we need not address the other grounds for termination, we note that the trial court did not clearly err in his findings regarding those bases for termination.