

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
June 25, 2013

In the Matter of SLAGLE, Minors.

No. 312898
Calhoun Circuit Court
Family Division
LC No. 2010-000128-NA

Before: OWENS, P.J., and GLEICHER and STEPHENS, JJ.

PER CURIAM.

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

Respondent argues that the trial court erred in finding statutory grounds for the termination of his parental rights. We disagree.

In a case regarding the termination of parental rights, a petitioner must establish a statutory ground for termination by clear and convincing evidence. MCL 712A.19b(3). Only one statutory ground need be proven in order to terminate parental rights. *In re HRC*, 286 Mich App 444, 461; 781 NW2d 105 (2009). This Court reviews both the lower court's factual findings and its ultimate decision whether a statutory ground has been proven for clear error. MCR 3.977(K). See also *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010). "A finding is clearly erroneous [if] although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *Id.* (citations and quotations omitted).

Once a statutory ground for termination has been proven, the court shall order termination of parental rights if it finds "that termination of parental rights is in the child's best interests[.]" MCL 712A.19b(5). This Court reviews for clear error a lower court's findings with regard to whether termination was in the best interest of the child. *In re Jones*, 286 Mich App 126, 129; 777 NW2d 728 (2009).

In this case, respondent's parental rights were terminated under MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). MCL 712A.19b(3)(i) permits termination if:

(c) The 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 [inter alia]:

(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.

Regarding MCL 712A.19b(3)(c)(i), the termination hearing was held on October 3 and 4, 2012, well over 182 days after the first dispositional order. The trial court found that the conditions that led to the adjudication continued to exist based on the fact that respondent's psychological reports indicated that he struggled with problems that placed the minor children at risk and the fact that respondent had a history of domestic violence. These findings were supported by the record. Throughout the case respondent, who had significant cognitive deficits, struggled with his finances, housing, and stability. Additionally, there was considerable testimony about his difficulty in dealing with the children's behavioral issues and his inability to pass a parenting skills test. While respondent argues that he was making considerable progress on those issues and likely could have rectified them within months, this argument fails to acknowledge the testimony that any delay in concluding this case would cause the minor children harm because they needed permanence. Reasonable length of time is not only calculated by how long it would take for the parent to rectify the improper conditions but also by the length of time the child can afford to wait for the parent. *In re Dahms*, 187 Mich App 644, 648; 468 NW2d 315 (1991). These children had already suffered a failed reunification with their mother. The trial court did not clearly err in finding a statutory ground for termination under MCL 712A.19b(3)(c)(i). "Having concluded that at least one ground for termination existed, we need not consider the additional grounds upon which the trial court based its decision." *In re HRC*, 286 Mich App at 461.

Respondent also argues that because the trial court erred in finding that statutory grounds for termination existed in this case, the trial court's determination that termination was in the minor children's best interests was premature. Respondent is correct that a trial court must find both a statutory ground for termination and also that termination is in the child's best interests before terminating a parent's rights. MCL 712A.19b(5).. However, as discussed, the trial court did not err in finding at least one statutory ground for termination. Accordingly, respondent's argument is meritless.

Moreover, there was testimony that respondent could not provide the children the permanency they needed at time of the termination hearing, and the proceeding had already been very lengthy. A child's need for permanence may be considered in determining the child's best interests. *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991). There was also testimony that the bond between respondent and the children was weak. The children looked to their foster family as their primary family, albeit with some divided loyalty. The respondent was largely uninvolved in parenting the children prior to the court acquiring jurisdiction over them.

Indeed, he was very slow to comply with his parenting plan. The trial court did not clearly err in finding that termination of respondent's parental rights was in the children's best interests. MCR 3.977(K).

Affirmed.

/s/ Donald S. Owens

/s/ Elizabeth L. Gleicher

/s/ Cynthia Diane Stephens