

STATE OF MICHIGAN
COURT OF APPEALS

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In re Q. KERANEN, Minor.

No. 379222
Marquette Circuit Court
Family Division
LC No. 23-010758-NA

Before: WALLACE, P.J., and CAMERON and KOROBKIN, JJ.

PER CURIAM.

Respondent appeals by right the trial court’s order terminating her parental rights to the minor child. She contends that the trial court erred in finding that termination was in the child’s best interests. We disagree and therefore affirm.

I. BACKGROUND AND FACTS

In 2022, Children’s Protective Services became involved with the family¹ after the child was born with methamphetamine in his system and experienced withdrawal symptoms after birth, and concerns were raised regarding drug use and domestic violence. In 2023, the Department of Health and Human Services (DHHS) filed a removal petition alleging ongoing substance abuse, criminal activity, and domestic violence by respondent, as she had repeatedly tested positive for illegal drugs, had been arrested for illegal drug possession including methamphetamine and cocaine, and had been arrested for domestic violence against the child’s father in the child’s presence. Respondent also lacked stable housing. The trial court removed the child from respondent’s care and ordered respondent to have supervised parenting time. The child was placed with respondent’s stepfather and his wife.

¹ The child’s father’s rights were terminated in 2024. He is not a party to this appeal.

Respondent was incarcerated several times during the case, and about 10 months into the case, she went to prison for a period of approximately a year and a half. While in prison, she had regular communication with the child, participated in prison programs, and completed parenting materials sent to her by caseworkers. After she was released in March 2025, respondent obtained housing and employment. However, respondent relapsed on methamphetamine and violated parole by testing positive for drugs and initially failing to attend inpatient treatment.

In August 2025, after approximately 30 months of services, DHHS moved to terminate respondent's parental rights to the child on the basis of respondent's limited progress and continued struggles with substance abuse. At the termination trial, two caseworkers testified that substance abuse was respondent's biggest barrier to reunification. When she was initially released from prison and was sober, respondent was a loving and involved parent, and parenting time sessions went well. But respondent relapsed after completing inpatient treatment and arrived intoxicated to several parenting time sessions, during which she would be distracted, and on one occasion, she left the child under the caseworker's supervision for part of the visit. The child's foster parents testified that the child, who had resided with them since he was around 10 months old, was doing well in their care. They were willing to adopt the child, who did not seem to have a particularly strong bond with respondent, and wanted to keep respondent involved in the child's life.

The trial court ordered the termination of respondent's parental rights under MCL 712A.19b(3)(c)(i) (conditions that led to adjudication continue to exist). It also found that the termination of respondent's parental rights was in the child's best interests because respondent was still using methamphetamine, did not have a bond with the child, and had only minimally complied with her case service plan.

Respondent now appeals.

II. STANDARD OF REVIEW

We review the trial court's decision regarding a child's best interests for clear error. *In re Olive/Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012). "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." *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010) (quotation marks and citation omitted; alteration in original).

III. ANALYSIS

Respondent argues that the trial court erred by finding that termination was in the child's best interests. We disagree.

"Once a statutory ground for termination has been proven,² the trial court must find that termination is in the child's best interests before it can terminate parental rights." *In re Olive/Metts*,

² Respondent does not challenge on appeal the trial court's finding that there was a statutory ground for termination under MCL 712A.19b(3)(c)(i).

297 Mich App at 40. “[W]hether termination of parental rights is in the best interests of the child must be proved by a preponderance of the evidence.” *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). “When determining whether termination is in the best interests of the child, the court should place its focus on the child rather than the parent.” *In re CJM*, ___ Mich App ___, ___; ___ NW3d ___ (2024) (Docket No. 367565); slip op at 4 (quotation marks and citation omitted). Trial courts should weigh all available evidence to determine what is in the child’s best interests. *In re White*, 303 Mich App 701, 713; 846 NW2d 61 (2014). In doing so, courts consider

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 a parent’s history of domestic violence, 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. [*Id.* at 713-714 (quotation marks and citation omitted).]

“The trial court may also consider how long the child was in foster care or placed with relatives, along with the likelihood that the child could be returned to the parents’ home within the foreseeable future, if at all.” *In re CJM*, ___ Mich App at ___ (quotation marks and citation omitted); slip op at 4. “[A] child’s placement with relatives is a factor that the trial court is required to consider when making its best-interests determination, and a child’s placement with relatives weighs against termination.” *In re Mota*, 334 Mich App 300, 321; 964 NW2d 881 (2020) (quotation marks and citations omitted).

In arguing that the trial court erred, respondent asserts that she substantially complied with her case service plan, as she was employed, had housing, participated in parenting classes, and consistently participated in parenting time. She emphasizes that parenting time went well when she was sober, and that even when she tested positive for substances, there were no safety concerns during parenting time. However, the trial court found that although respondent had some compliance at the outset of the case, her compliance had been negligible since September 2023. In particular, the trial court emphasized respondent’s continued struggles with methamphetamine use that impaired her ability to parent over the course of the 32-month-old case. Although respondent could parent well when sober, she was unable to do so while intoxicated, as respondent’s substance use interfered with her ability to actively engage with and supervise the child during parenting time. These findings were amply supported by the record. Therefore, the trial court did not clearly err by finding that respondent’s ongoing addiction issues affected her parenting abilities, undermined respondent’s compliance with the service plan, and weighed in favor of termination.

Respondent also points to her bond with the child, highlighting witness testimony that acknowledged the love between them. She emphasizes the parenting time supervisor’s testimony that the child was excited to see respondent and turned to her for assistance, and the foster care worker’s testimony that the child loves his mother and knows who she is. But when considering the child’s bond with respondent, the trial court observed that the caseworker testified that respondent lacked a bond with the child and that the lack of time spent together given respondent’s periods of incarceration supported an inference that there was a lack of a parent-child bond. And the child’s foster mother testified that the child did not ask about or talk about respondent. Given

this testimony, the trial court did not clearly err by finding that there was no bond between the child and respondent.

We also disagree with respondent that the trial court failed to give proper consideration to the child's placement with relatives. Courts are "required to expressly consider [a child's] placement with [a relative] as weighing against termination" when making best-interest determinations. *In re CJM*, ___ Mich App at ___; slip op at 5. However, the fact that a child is placed with a relative "is not dispositive" and a trial court " 'may terminate parental rights in lieu of placement with relatives if it finds that termination is in the child's best interests[.]' " *In re Atchley*, 341 Mich App 332, 347; 990 NW2d 685 (2022), quoting *In re Olive/Metts*, 297 Mich App at 43.

In its order terminating respondent's parental rights, the trial court stated:

The Court is also directed by case law to address the issue of placement of a child with a relative. [Respondent's stepfather] calls himself [respondent's] father, but he is not. He is fictive kin however. The Court does not believe this mitigates against termination.

In reviewing this statement, we begin by noting that the trial court did recognize that the child was placed with a relative, albeit in a somewhat roundabout way. A "relative," as defined under MCL 712A.13a(1)(j)(i), includes an adult who is "[r]elated to the child within the fifth degree by blood, marriage, or adoption, including the spouse of an individual related to the child within the fifth degree, even after the marriage has ended by death or divorce" Respondent's stepfather and his wife meet this definition. Additionally, individuals who lack a relationship enumerated in MCL 712A.13a(1)(j)(i) but have a " 'strong positive emotional tie or role in the child's life' " are generally considered "fictive kin" and are defined as relatives under MCL 712A.13a(1)(j)(ii). *In re CJM*, ___ Mich App at ___; slip op at 5. Although respondent's stepfather is related to the child within the fifth degree under MCL 712A.13a(1)(j)(i) and thus is not fictive kin under MCL 712A.13a(1)(j)(ii), either relationship satisfies the definition of a relative under the relevant statute.

The trial court further acknowledged that it was required by caselaw "to address the issue of placement of a child with a relative" and then stated that it "d[id] not believe" that the child's placement with respondent's stepfather "mitigate[d] against termination." At first glance, this statement's verbiage appears to be in some tension with the requirement that the trial court "expressly consider [a child's] placement with [a relative] as weighing against termination." *In re CJM*, ___ Mich App at ___; slip op at 5. In context, however, we conclude that it is clear that the trial court understood and applied the requirement. At the termination trial, respondent's attorney highlighted that "when a child is placed with a relative, that weighs against termination." In recognition of the proper weight given to relative placement, the trial court in its order noted that guardianship—which would have maintained respondent's parental relationship with the child—had been considered. However, the trial court also noted that it relied upon the position of the lawyer-guardian ad litem, who had emphasized in closing that guardianship proceedings had been initiated, then paused when respondent was to be released from prison, but dismissed after respondent relapsed upon release. Accordingly, reading the trial court's order as a whole, we conclude that the trial court considered the relative placement as weighing against the termination of respondent's parental rights but nonetheless concluded that, under the facts of this case,

termination was appropriate and in the child's best interests. The trial court did not clearly err in this determination.

Affirmed.

/s/ Randy J. Wallace
/s/ Thomas C. Cameron
/s/ Daniel S. Korobkin