

STATE OF MICHIGAN
COURT OF APPEALS

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In re BELL/HARDNETT, Minors.

No. 380141
Berrien Circuit Court
Family Division
LC No. 2023-000003-NA

Before: SWARTZLE, P.J., and ACKERMAN and TREBILCOCK, JJ.

PER CURIAM.

Respondent-father and mother have three minor children together: JB-1, JB-2, and JH-1, referred to collectively as the “Bell minors.” In this appeal, father¹ challenges the trial court’s order terminating his parental rights to the Bell minors under MCL 712A.19b(3)(c)(i) (conditions of adjudication continue to exist) and MCL 712A.19b(3)(j) (reasonable likelihood that child will be harmed if returned to parent). We affirm.

I. FACTUAL AND PROCEDURAL HISTORY

In November 2022, father and mother were living together with the Bell minors as well as three children mother had with other fathers: TM, NM, and JH-2. In addition, mother was pregnant with a fourth child, JH-3, by a different father. While mother was in active labor with JH-3, the Department of Health and Human Services (DHHS) received allegations of physical neglect regarding all of her children. Mother reported to DHHS that father “has physically abused her in the past” and that she “does not feel safe returning to the home. She believes [father] will harm the unborn child as the baby is not his.” After mother was released from the hospital with JH-3, DHHS received confirmation that the child tested positive for marijuana at birth and petitioned for the removal of JH-3 from mother’s care, listing father as a respondent. In March 2023, DHHS provided an update that father and mother had complied with DHHS orders that the six children remaining in the home receive overdue medical and dental exams. The trial court then ordered

¹ Mother had her parental rights terminated to all children who were the subject of this petition and is not a party to this appeal.

that the Bell minors and father be removed from the petition and that the proceedings continue only as they relate to JH-3.

In September 2023, following concerns of domestic violence in the home between father and mother and father's violence toward NM, DHHS filed a supplemental petition listing father as a respondent again and requesting that the trial court issue an order removing the remaining six children from the home. The petition provided that, from 2002 to 2019, father had been convicted of 14 misdemeanors and felonies; in 2021 and 2022, he had two reported incidents of domestic violence against his children; and, from 2008 to 2022, his parental rights to seven of his other children had been terminated.

The trial court held several preliminary hearings after the supplemental petition was filed. Father was absent from most of these hearings. DHHS caseworkers testified that father was not participating in offered services and that, when they were successful in contacting father, he was hostile toward them and unwilling to speak with them. DHHS continued to be concerned about domestic violence between father and mother, and the trial court ordered that father "is not to be present, at any time, in [mother's] residence, wherever that is." While reunification remained the goal for some time thereafter, DHHS caseworkers repeatedly testified at subsequent permanency planning hearings that the respondents were not making progress. At one point, it was reported that father was incarcerated and had been charged with three counts of domestic violence and one count of strangulation against the mother of another one of his children. In July 2025, DHHS filed a supplemental petition requesting termination of father's rights to the Bell minors.

Father was absent from the September 2025 termination hearing. It was reported that he never participated in scheduled parenting times or classes and was showing up to mother's home in violation of the trial court's orders. The DHHS caseworker testified that the Bell minors were in a placement with their relative and that their placement was willing to adopt. After taking the matter under advisement, the trial court ultimately terminated father's parental rights, and with regard to the minor children's best interests, found: "[Father] has not been participatory in this case He has not engaged in parenting time with his children. He has an extensive criminal history, including being a sex—convicted sex offender, and has a history of domestic violence against [mother]." The trial court further found: "He has demonstrated no parenting ability nor bond with his children. His children have done well in care. There is no evidence in this record that there's even a possibility of returning these children to his care." Father now appeals.

II. STANDARD OF REVIEW

"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."² *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011). "Best interests are determined on the basis of the preponderance of the evidence." *In re LaFrance*, 306 Mich App

² In his brief on appeal, father expressly concedes the trial court's finding that termination of his parental rights was proper under MCL 712A.19b(3)(c)(i). Because a "family court need[s] only one ground for termination," *In re Powers*, 244 Mich App 111, 119; 624 NW2d 472 (2000), we need not further scrutinize whether grounds supporting termination were proven in this case.

713, 733; 858 NW2d 143 (2014). We review for clear error the court’s decision regarding the minor child’s best interests. *In re Olive/Metts Minors*, 297 Mich App 35, 40; 823 NW2d 144 (2012). “A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court’s special opportunity to observe the witnesses.” *In re BZ*, 264 Mich App 286, 296-297; 690 NW2d 505 (2004). We will defer to the trial court’s findings at termination proceedings if those findings do not constitute clear error. *In re Rood*, 483 Mich 73, 90; 763 NW2d 587 (2009).

III. BEST INTERESTS

“Once a statutory ground for termination has been proven, the trial court must find that termination is in the child’s best interests before it can terminate parental rights.” *In re Olive/Metts*, 297 Mich App at 40. When considering best interests, the focus is on the child’s interests rather than the parent’s interests. *In re Moss*, 301 Mich App 76, 87; 836 NW2d 182 (2013). “The trial court should weigh all the evidence available to determine the children’s best interests.” *In re White*, 303 Mich App 701, 713; 846 NW2d 61 (2014). When deciding whether termination is in the child’s best interests, the trial court “may 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.” *In re Olive/Metts*, 297 Mich App at 41-42 (citations omitted). The trial court can also consider the likelihood that “the child could be returned to [the] parents’ home within the foreseeable future, if at all.” *In re Frey*, 297 Mich App 242, 248-249; 824 NW2d 569 (2012).

Father argues that the trial court should have established a guardianship for the Bell minors. In support of his argument, he cites *In re JMG/JGG/JMG*, 516 Mich 960, 960 (2025), in which the Court held in part that “the best-interests analysis in the termination context must consider whether retaining the parent-child relationship, in some form, is in each child’s best interests.” We are not persuaded.

Father asserts that “the DHHS did not follow through” on considering a guardianship. But DHHS had good reason not to consider this approach. As a DHHS caseworker noted at the termination hearing, father’s parental rights to seven other children had been terminated. In these proceedings, he had almost wholly absented himself from participating in parenting time or other services. Meanwhile, he had shown up unannounced to mother’s home in violation of court orders, and was reported to have taken mother’s supplemental security income and eaten what food she had at her residence. The court concluded, “These very serious concerns outweigh the possible merits of a guardianship or the fact that relative placement weighs against termination.” “A trial court is not required to establish a guardianship in lieu of termination if it is not in the child’s best interests to do so.” *In re Lombard*, 351 Mich App 523, 534; 35 NW3d 751 (2024).

Father also misreads *In re JMG/JGG/JMG*. In that case, the Supreme Court’s concern was with the lack of individualized best-interests determinations for each child; it was in that context that it required consideration of “whether retaining the parent-child relationship, in some form, is in each child’s best interests.” Here, by contrast, father makes no argument that the children did not receive individualized analysis and simply asks for a different uniform solution to what the trial court imposed. But the trial court specifically considered whether retaining the parent-child relationship through a guardianship was in the minor children’s best interests, stating, “I find

guardianship would not be in these children's best interests, as it would not provide them with the permanency and stability they need and deserve" and that "all of the factors previously articulated as being considerations for the Court in determining the termination of best interests of the children weigh in favor of termination except for relative placement as to [father]."

Father further argues that the trial court failed to address whether termination was appropriate in light of the Bell minors' placement with a relative. See *In re Olive/Metts*, 297 Mich App at 43. We do not understand that assessment of the record, for the trial court *explicitly* considered the Bell minors' placement with their relative, stating: "At the time of the hearing in this matter . . . all of these children [including the Bell minors] were in relative placements and potentially adoptive placements As such, this factor weighs against termination." Even so, it found that termination was still in their best interests, stating that father's criminal history, failure to provide for the children, and failure to engage in services "far outweigh . . . the fact that relative placement weighs against termination." Therefore, father is not entitled to reversal in that regard.

The trial court did not err by finding that termination was in the minor children's best interests. See *In re BZ*, 264 Mich App at 296.

Affirmed.

/s/ Brock A. Swartzle
/s/ Matthew S. Ackerman
/s/ Christopher M. Trebilcock