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STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
October 23, 2026
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In re L. COLBERG, Minor.

Nos. 378977; 378978
Gogebic Circuit Court
Family Division
LC No. 24-000019-NA

Before: PATEL, P.J., and M. J. KELLY and GARRETT, JJ.

PER CURIAM.

In this consolidated appeal,[1] respondents appeal as of right the trial court order terminating their parental rights to their minor child, LC, under MCL 712A.19b(3)(c)(*i*), (g), (i), and (j). On appeal, they challenge the trial court's finding that termination of their parental rights was in LC's best interests. For the reasons stated in this opinion, we affirm.

I. BASIC FACTS

Petitioner, the Department of Health and Human Services, filed a petition seeking termination of respondents' parental rights to LC. The petition alleged that respondents had their parental rights to their older children terminated in September 2022 because of substance-abuse, criminality, physical abuse, and neglect. When LC was born in May 2024, respondents told hospital staff that they planned to complete paperwork indicating that LC would be cared for by his grandparents but that they would actually be the ones caring for him. At the time, respondent-mother had pending criminal charges for possession of methamphetamine, had outstanding court-imposed fees for a shoplifting conviction, and was on suboxone. Her use of suboxone necessitated LC to be watched for signs of withdrawal. Respondent-father also had pending criminal charges for operation of a motor vehicle without a valid license, third offense. Although termination was

[1] *In re L Colberg*, unpublished order of the Court of Appeals, issued February 4, 2026 (Docket Nos. 378977, 378978).

sought at the initial disposition, respondents entered a plea to jurisdiction in exchange for the permanency goal being changed to reunification.

LC was placed in a foster home. After around three months, he was moved to another foster home so that he could be with his siblings. His siblings had been adopted by their foster parents after respondents' parental rights to them had been terminated.

The trial court ordered respondents to comply with the case service plan that was prepared for them. The plan required them to avoid substance abuse, engage in mental-health services and psychological evaluations, arrive punctually for parenting time, engage in parenting classes, attend LC's medical appointments, participate in drug screenings, and sign releases for their medication lists. Respondents were unsuccessful in complying with the plan. They were frequently late for parenting time appointments, missed LC's medical appointments, did not complete parenting classes, did not regularly attend therapy, and did not complete the recommended psychological evaluations. Additionally, respondents continued to show signs that they were abusing their prescription medications. Consequently, the permanency goal was changed back to termination.

Following a termination hearing, the trial court found by clear and convincing evidence that there were statutory grounds to terminate respondents' parental rights. The court further found by a preponderance of the evidence that termination of respondents' parental rights was in LC's best interests. This appeal follows.

II. BEST INTERESTS

A. STANDARD OF REVIEW

Respondents argue that the trial court erred by finding that termination of their parental rights was in LC's best interests. "We review for clear error a trial court's factual finding that termination of a parent's parental rights is in the child's best interests." *In re Atchley*, 341 Mich App 332, 346; 990 NW2d 685 (2022). "A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made." *Id*. at 338 (quotation marks and citation omitted).

B. ANALYSIS

The focus of the best-interest analysis is on the child rather than the parent. *In re Mota*, 334 Mich App 300, 321; 964 NW2d 881 (2020). When deciding whether terminating parental rights is in a 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. Other considerations include the length of time the child was in care, the likelihood that the child could be returned to her parents' home within the foreseeable future, if at all, and compliance with the case service plan. [*In re Atchley*, 341 Mich App at 346-347 (quotation marks and citation omitted).]

Respondents both argue that the trial court did not consider the strong bond that they had with LC when it was making its best-interests determination. In its findings, the court acknowledged that respondents loved LC and that there was a bond between them and LC. Yet, the court found that LC's bond with respondents was "limited" whereas LC's bond with his foster parents was "significant." Although respondents highlight testimony suggesting that they had a strong bond, there was also evidence that they were inattentive during parenting times and that the bond between LC and respondents was more like the bond between a babysitter and a child rather than a parent and a child. Thus, the trial court did not clearly err by finding that the bond between LC and respondents was limited. Likewise, because there was evidence that LC was thriving in his foster placement and was strongly bonded to his foster family, the court's finding that there was a significant bond between LC and his foster parents was not clearly erroneous.

Respondents also suggest that the trial court did not consider their parenting ability when making its best-interests determination. In particular, respondent-father asserts that he was participating in and benefiting from his case service plan. As noted above, however, participation in the case services plan was minimal. Although the trial court did not make any express findings regarding respondents' parenting ability, the record reflects that there were ongoing issues related to their parenting ability. Respondents did not complete parenting classes, psychological evaluations, sign releases for their medications, or attend LC's medical appointments. On appeal, respondent-mother highlights testimony that she was able to care for LC during supervised parenting time by feeding him and changing his diapers. She also notes that respondent-father would play with the child on the floor. But there was also testimony that respondents were inattentive during parenting time because they spent their time on their phones despite being advised to not use their phones during the visitation. They also frequently arrived late to parenting-time visits and there were indications that they were abusing substances prior to the visits. Given this record, respondents parenting ability did not weigh against a finding that termination of their parental rights was in LC's best interests.

Next, the trial court found that LC needed stability, permanence, and finality. It further found that his foster family could provide him with stability and permanence, noting that they were willing to adopt him, that he was thriving in their care, and that he was placed with his biological siblings. Those findings were supported by the testimony at the termination hearing. Respondent-mother contends that she and respondent-father would have been also able to provide permanency, stability, and finality for LC because they had their own home. At trial, however, she testified that she had moved in with her father, which suggests that she was not living with respondent-father anymore. Regardless, respondents were not in a position to be reunified with LC. They had participated only minimally with their case services plan. To be sure, the trial court found that there was a reasonable likelihood that LC would suffer from the same type of physical abuse or neglect that his siblings had previously suffered when in respondents' care. On appeal, respondents do not challenge that finding, which is related to the court's finding of statutory grounds to terminate. The mere fact that respondents had a home does not mean that they could provide LC with needed permanency, stability, and finality. Indeed, respondent-father acknowledged during his testimony that he had "probably not" made enough progress toward reunification for LC to be placed back into his care. He only felt that he had made enough progress to continue reunification services. Likewise, respondent-mother admitted at trial that she did not have the ability to provide for "everything" that LC needed. Given this record, the trial court did

not clearly err by finding that the child's need for permanence, stability, and finality would be achieved by termination of respondents' parental rights.

Respondent-mother also asserts that the trial court should have considered the advantages of respondents' home over the foster care home. Specifically, she notes that LC would lose the broader family support system that could be provided if he were reunified with respondents. Respondent-mother's argument ignores the trial court's finding that there was a reasonable likelihood that LC would be physically abused or neglected if returned to respondents' care. Considering the entire record, the court's finding that the foster placement was more advantageous was not clearly erroneous.

Respondent-mother also complains that the trial court did not consider the possibility that LC could be placed in the care of respondent-mother's father. She offers no analysis, however, of why such a placement would have been appropriate in this case. Nor does she direct this Court to any place in the record where she requested that such a placement be made. "It is not enough for an appellant in his brief simply to announce a position or assert an error and then leave it up to this Court to discover and rationalize the basis for his claims, or unravel and elaborate for him his arguments, and then search for authority either to sustain or reject his position." *Mitcham v Detroit*, 355 Mich 182, 203; 94 NW2d 388 (1959). This challenge to the trial court's best-interest findings is, therefore, abandoned.[2]

Finally, respondent-father contends that the trial court improperly weighed his tardiness in attending parenting time. He maintains that tardiness is "certainly a character flaw," but that it is not indicative of abusive or neglectful behavior and that there was nothing to show that the tardiness harmed LC as previously mentioned. Respondents' tardiness, however, was only one factor considered by the trial court. As indicated above, it also considered a myriad of other facts that weighed in favor of its finding that termination of respondents' parental rights was in LC's best interests. We discern no error in the court's consideration of respondents' tardiness in connection with the other facts of the case.

In sum, the trial court did not clearly err by finding that termination of respondents' parental rights was in LC's best interests.

Affirmed.

/s/ Sima G. Patel
/s/ Michael J. Kelly
/s/ Kristina Robinson Garrett

[2] We note that at the adjudication trial, respondent-mother testified that she had planned to place LC in a guardianship with respondent-father's father and stepmother. But she also admitted that she had not applied for a guardianship, that the plan for the guardianship was for her to keep LC, and that she had planned to move away from Michigan in order to avoid petitioner. Given this record, even if she had suggested that the child be placed with her own father, it is not clear whether such a placement would have been genuine or whether it would have been a sham in order to avoid involvement in further child-protective proceedings.