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STATE OF MICHIGAN

COURT OF APPEALS

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November 13, 2026
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In re AM, Minor.

No. 380899
Bay Circuit Court
Family Division
LC No. 24-013840-NA

Before: M. J. KELLY, P.J., and RIORDAN and RICK, JJ.

PER CURIAM.

Respondent-father appeals as of right the trial court's order terminating his parental rights to his minor child AM under MCL 712A.19b(3)(c)(*i*), (g), and (j). We affirm for the reasons stated in this opinion.

I. BASIC FACTS

Petitioner, the Department of Health and Human Services, filed a petition seeking the removal of AM from his mother in July 2024. Petitioner alleged that AM's mother was using methamphetamines, her housing was unstable, and she regularly left AM in the care of other people. At that time, respondent-father was not AM's legal father, nor was he significantly involved during the first year of AM's life. Ultimately, AM was removed from his mother's care and placed with his fictive grandmother. Respondent-father was present for the first hearing, and he was arrested at the courthouse on multiple criminal charges. He remained incarcerated throughout the duration of the case.

Respondent-father was established as AM's legal father in January 2025. Thereafter, a supplemental petition was filed, alleging that respondent-father had significant issues with criminality, substance abuse, and domestic violence. Respondent-father entered a plea of admission to the allegations, and the case proceeded with a goal of reunification as to both parents.

For approximately one year, respondent-father had regular video calls with AM, and he participated in various programs and classes while incarcerated. However, he also received prison citations for misconduct, including two incidents of alcohol-related misconduct in early 2026.

Petitioner eventually filed a supplemental petition seeking termination of respondent-father's parental rights based upon his criminality, substance abuse, domestic violence, anger management, and a lack of a significant relationship with AM.

At the termination hearing, AM's mother voluntarily released her parental rights. Testimony at the hearing, therefore, focused on respondent-father. His psychologist testified that, after evaluation, she diagnosed him with a severe stimulant-use disorder and sedative-use disorder. She also conducted an Adult Adolescent Parenting Inventory with respondent-father, who scored medium risk on all domains except for parental empathy, which was in the high-risk range. She explained that this meant that he could become easily frustrated by a child's behavior, was less likely to be nurturing, and could create "a very rigid and emotionally reactive style." She recommended that, after release from prison, respondent-father attend inpatient substance-abuse treatment followed by an outpatient program. However, it was unclear how beneficial such treatment could be because respondent-father had a history of relapsing after receiving substance-abuse treatment. Finally, and as related to this appeal, AM's fictive grandmother testified that she preferred adoption over a juvenile guardianship because AM had formed strong bonds with her, her other children, and her home.

Following the hearing, the trial court found statutory grounds for termination. It also found that termination of respondent-father's parental rights was in AM's best interests. This appeal follows.

II. BEST INTERESTS

A. STANDARD OF REVIEW

Respondent-father argues that the trial court erred by finding that it was in AM's best interests to terminate his parental rights. We review for clear error the trial court's finding that termination of a parent's parental right is in his or her child's best interests. *In re Atchley*, 341 Mich App 332, 346; 990 NW2d 685 (2022). "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 Sanborn*, 337 Mich App 252, 276; 976 NW2d 44 (2021).

B. ANALYSIS

When considering a child's best interests, the trial court's focus must be on the child, not the parent. *Atchley*, 341 Mich App at 346. The trial court may consider the following factors: "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 Simpson*, ___ Mich App ___, ___; ___ NW3d ___ (2024) (Docket No. 368248); slip op. at 5 (quotation marks, citations, and alterations omitted). Other factors that can be considered include the "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 wellbeing while in care, and the possibility of adoption." *In re Rippy*, 330 Mich App 350, 360-361; 948 NW2d 131 (2019) (quotation marks and citations 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 ___, ___; ___ NW3d ___ (2024) (Docket No. 367565); slip op. at 4 (quotation marks and citation omitted).

Respondent-father argues that it was not in AM's best interests for his parental rights to be terminated because there was a bond between them. The court, however, found that the bond was not that of a parent and child, noting that prior to his incarceration, respondent-father had limited interactions with AM and that their interactions afterward did not create a "parent-child" bond. Rather, the court found that there was a strong bond between AM and his fictive grandmother and that he was thriving in her care. The court's findings, which are supported by the testimony at the termination hearing, were not clearly erroneous.

Next, respondent-father notes that he was planning on participating in services upon his release from prison so that he could become a safe and responsible parent. He contends that it is important that AM have his father in this life. The trial court, however, found that AM had been in placement for over 600 days. Although respondent-father was an adjudicated parent for only 353 days prior to the termination hearing, the focus was on the child, who had been in placement for the majority of his life. Thus, the length of time that AM was in care weighed in favor of termination. Moreover, given respondent-father's repeated history of relapsing after receiving substance-abuse treatment and given that he had misconduct tickets related to substance use while incarcerated, his ability to benefit from the services that he was willing to participate in was uncertain. Ultimately, AM's fictive grandmother was in the position to provide AM with needed stability, permanence, and finality. Indeed, as recognized by the trial court, she was willing to adopt AM in order to provide him with such stability, permanence, and finality.

Respondent-father also contends that the trial court erred by failing to weigh AM's placement with a relative against termination. Although AM's grandmother was "fictive kin" with no biological or formal legal relationship to him, because she had "a strong positive emotional tie or role in" his life and his mother's life, she qualifies as a "relative" as that term is defined by MLC 712A.13a(1)(j)(*ii*). When explicitly addressing a child's relative placement, a trial court's findings "are generally sufficient if it appears that the trial court was aware of the issues in the case and correctly applied the law, and where appellate review would not be facilitated by requiring further explanations." *In re L L Gentry, Minor*, ___ Mich App ___, ___; ___ NW3d ___ (2026) (Docket No. 376583); slip op at 4-5 (quotation marks and citation omitted). Here, the trial court was aware that AM was placed with his fictive grandmother and that she was a "relative." Having considered that relationship, however, the court looked at other best-interests factors, including the length of time that AM was in care, the possibility of adoption, his bond with his fictive grandmother, his limited bond with respondent-father, the fact that he was thriving in his fictive grandmother's care, and his need for stability, permanence, and finality. Those factors outweighed the fact that AM was placed with a relative.

Finally, respondent-father contends that the trial court clearly erred by finding that AM's fictive grandmother was unwilling to consider a guardianship. In support, he cites testimony from AM's fictive grandmother that if a guardianship was "the only way" for AM to maintain "comfort" in his placement, she would agree to a juvenile guardianship. In its findings, the court stated that AM's fictive grandmother "has considered and rejected a possible guardianship." The court's finding is not clearly erroneous. Although AM's fictive grandmother testified that she would agree to a juvenile guardianship if that were the only way for AM to remain placed with her, that was

only part of her testimony. She also testified that she preferred adoption over a guardianship because AM had formed bonds with her, her other children, and her home, and because she desired him to have permanency that could not be achieved with a guardianship. In doing so, she explained that, at the start of the case, she had given "a lot of thought" to a guardianship, but that she was no longer open to that idea and was only open to adoption. She gave two reasons for her change of mind: (1) she was concerned that AM's life would be disrupted if his parents sought custody "many years" after the guardianship was established, and (2) she remained willing—even after termination—to facilitate contact between AM and his parents so long as they were safe and sober. Considering the entirety of her testimony, including that fact that she was only willing to consider a guardianship as a last resort, the trial court's finding that she had rejected a possible guardianship was not clearly erroneous.

Moreover, in doing so, the court did not apply a "blanket" policy disfavoring guardianships. See *In re Lombard*, 351 Mich App 523, 533; 35 NW3d 751 (2024) (stating that a trial court abuses its discretion by applying a blanket policy disfavoring guardianships for children under a specified age). Rather, a review of the case reveals that the trial court inquired whether petitioner had considered a guardianship. In response, petitioner and the guardian ad litem expressed concerns with a guardianship for a child as young as AM. Notwithstanding their concerns, the trial court nevertheless considered guardianship for AM. In doing so, it based its determination on an individualized consideration of the facts of AM's case, including the willingness of his fictive grandmother to proceed with a guardianship instead of adoption. And there is nothing in the record to suggest that the court had a "blanket" policy of rejecting guardianships in cases where the caregiver was unwilling to serve as a guardian.

In sum, the trial court did not clearly err by finding that termination of respondent-father's parental rights was in AM's best interests. In doing so, the court explicitly considered the fact that AM was in a relative placement as a factor weighing against termination. Finally, its rejection of the request for a juvenile placement was not clearly erroneous, nor was it the product of a blanket policy disfavoring juvenile guardianships.

Affirmed.

/s/ Michael J. Kelly
/s/ Michael J. Riordan
/s/ Michelle M. Rick