

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KATELYN NICOLE WALL and
JONATHON DAVID CHAPLIN, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SARAH RENAE CHAPLIN,

Respondent-Appellant,

and

DANIEL THOMAS WALL,

Respondent.

In the Matter of KATELYN NICOLE WALL,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DANIEL THOMAS WALL,

Respondent-Appellant,

and

SARAH RENAE CHAPLIN,

Respondent.

UNPUBLISHED
May 22, 2007

No. 273224
Oakland Circuit Court
Family Division
LC No. 04-688389-NA

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Before: White, P.J., and Saad and Murray, JJ.

PER CURIAM.

In these consolidated appeals, respondent-mother appeals as of right from the trial court orders terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j), and respondent-father appeals as of right from the order terminating his parental rights to his child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The court took jurisdiction over the children in January 2004 after a referral was made to protective services following a domestic violence incident in which respondent-mother was drunk, threw knives at respondent-father, and threatened to kill him in front of the minor children. Respondent-mother was arrested and charged with felonious assault and alcohol consumption by a minor. When she posted bond and was released from jail, she violated a no-contact order and went to the family home. Respondents left the minor children unattended and Jonathon, who was then aged five, went to a neighbor's home, looking for someone to watch him and his then three-year-old sister. Relatives reported that respondents intended to flee the state, respondents refused to open their door when petitioner attempted to take the minor children into custody, and an emergency order had to be obtained.

The children were placed in temporary foster care for approximately a year, at which point they were returned to respondents' care, although the trial court retained jurisdiction. Within a few months, respondent-mother had moved out of the family home, had relapsed, and was using drugs. Respondent-father had been caring for the minor children since respondent-mother's relapse and was in danger of losing his job. He did not have adequate childcare and was requesting assistance with temporary foster care. Katelyn and Jonathon were once again removed from respondents' care.

The trial court heard testimony on the issue of termination of respondents' parental rights in March 2006 and issued its opinion finding the evidence clear and convincing to terminate their parental rights. The trial court heard testimony on the issue of best interests of the minor children in August 2006, found that the case had gone on for 32 months and that the minor children deserved stability, and terminated respondents' parental rights.

We review the trial court's decision for clear error. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991).

There was clear and convincing evidence supporting the decision to terminate respondent-mother's parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). The conditions that led to adjudication included her physical attack on respondent-father in front of the minor children, her substance abuse, her violation of a court order, respondents' leaving the minor children at home alone, respondents' alleged plans to flee the state, and respondents' failure to respond to protective services intervention. At the time of the termination trial, respondent-mother was not in compliance with the parent-agency agreement and her actions were consistent with actions that led to the court taking jurisdiction over the minor children. She

was involved with substance abuse, she had fled the state, and she did not act in ways that took into account the needs of the minor children. It had been more than two years since the minor children were taken under the jurisdiction of the trial court, and there was no reasonable likelihood that the conditions would change or that respondent-mother would be able to provide for the children within a reasonable time considering the children's ages.

Regarding respondent-father, the trial court did not err when it found the evidence clear and convincing to terminate his parental rights to Katelyn pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). The conditions that led to adjudication with respect to respondent-father involved failing to protect Katelyn from exposure to domestic violence, leaving the child and her half-brother home alone, and not cooperating with authorities to do what was best for the minor children. During the time that the children were placed in temporary foster care for the second time, respondent-father visited them on a weekly basis but stopped visiting them in November 2005. He called the case worker to indicate that he was unable to visit because of work conflicts the first time that he missed a visit, but he did not call after that. He missed approximately eight visits before a petition was filed to terminate his parental rights. From the time Katelyn went into temporary foster care for the second time until the termination trial, respondent-father did not seek out childcare arrangements so that Katelyn could be returned to his care. He did not attend classes at the Fathers' Resource Center to get the assistance that he needed so that he could appropriately parent Katelyn, even though he had asked for assistance and was referred to these classes. While it is clear that respondent-father expressed a desire to care for not only Katelyn, but also Jonathon, Katelyn's half-brother, respondent-father was unable to take care of the children without the assistance of respondent-mother. Respondent-father was relying on respondent-mother who was not stable, was unable to address her own needs, and could not be relied on to be there to take care of the minor children.

Finally, the trial court did not err in its best interests determination. MCL 712A.19b(5); *Trejo, supra* at 353. At the best interests hearing, respondents stated that they would do whatever it took. However, the minor children had been waiting for respondents to take the situation seriously for a very long time. The law with regard to best interests is very clear. MCL 712A.19b(5) provides that once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights, unless the court finds from evidence on the whole record that termination is clearly not in the children's best interests. These children have been involved with the court system for a long time and deserve stability. The evidence did not show that termination was clearly not in their best interests.

Affirmed.

/s/ Helene N. White
/s/ Henry William Saad
/s/ Christopher M. Murray