

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of THOMAS JAMES KLANK,
KYLEIGH CHRISTINE KLANK, and ALYSSA
MACKENZIE KLANK, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BAMBI NICOLE KUTTKUHN,

Respondent,

and

DANIEL JAMES KLANK,

Respondent-Appellant.

UNPUBLISHED
December 27, 2007

No. 277826
Oakland Circuit Court
Family Division
LC No. 04-689348-NA

Before: Schuette, P.J., and Borrello and Gleicher, JJ.

PER CURIAM.

Respondent-appellant (“Respondent”) appeals as of right from the order terminating his parental rights to the minors under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. We decide this appeal without oral argument under MCR 7.214(E).

I. FACTS

Respondent pleaded no contest to the allegations in the petition requesting that the court take jurisdiction over the minors. During the next three years, respondent complied with some requirements of a parent-agency agreement. However, apart from other instances of noncompliance, he failed to address his anger management problem. Examples of this problem include therapists’ refusal to continue working with him because he was verbally abusive, the children’s troubled reaction to an angry outburst at a supervised visitation, and an act of domestic violence against his mother. Moreover, although respondent was apparently attending Alcoholics Anonymous meetings, he refused to address his substance abuse issues until the

children were returned to him. Notably, at the time of the termination hearing, respondent was incarcerated because of the domestic violence against his mother.

II. STATUTORY GROUNDS FOR TERMINATION

A. Standard of Review

To terminate parental rights, the trial court must find that at least one statutory ground for termination in MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). We review the trial court's decision for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *Sours, supra* at 633. A decision is clearly erroneous if the reviewing court is left with a definite and firm conviction that a mistake was made, giving due regard to the trial court's special opportunity to observe the witnesses. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

B. Analysis

Respondent argues that the evidence to terminate parental rights under MCL 712A.19b(3)(g) and (j) was insufficient. However, respondent does not challenge the trial court's determination that a ground for termination was established under MCL 712A.19b(3)(c)(i).¹ Only one statutory ground is needed for termination. See *In re CR*, 250 Mich App 185, 194-195; 646 NW2d 506 (2002). Thus, the court was required to terminate respondent's parental rights unless evidence showed that termination would not be in the children's best interests. MCL 712A.19b(5).

III. BEST INTERESTS OF THE CHILD

A. Standard of Review

If the trial court determines that a statutory ground for termination has been established, the court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *Trejo, supra* at 353. Again, we review the trial court's decision for clear error. *Trejo, supra* at 356-357.

¹ But even if respondent had challenged the trial court's decision, we conclude that the trial court did not clearly err in finding that the statutory ground for termination under MCL 712A.19b(3)(c)(i) was proven by clear and convincing evidence. The initial order of disposition was entered on April 30, 2004, and respondent's termination of parental rights hearing was held in February of 2007, well in excess of the statutory time period. During the nearly three years required to move this case from disposition to termination, respondent did not correct the condition that led to the adjudication. The condition was essentially unchanged—respondent was incarcerated on a domestic violence charge and was unable to control his anger. Under these circumstances, the trial court's finding that the condition still existed and there was no reasonable likelihood that the condition would be rectified within a reasonable time considering the children's age was not clearly erroneous. See, e.g., *Trejo, supra* at 359.

B. Analysis

Respondent argues that the record does not support the trial court's best interests determination. He asserts that the trial court disregarded his accomplishments, did not make a sufficient effort to keep the family together, and did not allow him time to complete services, especially since service from caseworkers was allegedly poor. However, the record demonstrates that efforts had been made toward reunification for approximately three years. Respondent had exhibited minor cooperation, but no evidence showed that he was making a serious effort to address his anger and substance abuse problems, or that the services provided had successfully assisted him in making any significant strides. Accordingly, we find no clear error. MCR 3.977(J); *Sours, supra* at 633.

Affirmed.

/s/ Bill Schuette
/s/ Stephen L. Borrello
/s/ Elizabeth L. Gleicher