

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DEVLIN HATFIELD, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JESSICA LYNN HATFIELD and TIMOTHY
ALLEN HATFIELD, JR.,

Respondents-Appellants.

UNPUBLISHED

May 13, 2008

No. 282512

Barry Circuit Court

Family Division

LC No. 06-007418-NA

Before: Donofrio, P.J., and Sawyer and Murphy, JJ.

MEMORANDUM.

Respondents appeal as of right from a circuit court order terminating their parental rights to the minor child pursuant to MCL 712A.19(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re Archer*, 277 Mich App 71, 73; 744 NW2d 1 (2007). The child came into care because respondents neglected his medical needs, which included failing to take him to doctor's appointments, and because they failed to maintain safe and sanitary housing. Although there was conflicting testimony on the state of respondents' home, the trial court resolved this issue in favor of petitioner's witnesses, and this Court defers to the trial court's assessment of witness credibility. MCR 2.613(C). The testimony also showed that respondents lacked reliable transportation and used that as an excuse for not participating in activities under the service plan; however, they could have arranged for transportation with others, including the agency, but failed to take advantage of the available assistance. They had no means of supporting a child.

Further, the evidence on the whole record did not clearly show that termination of respondent's parental rights was not in the child's best interests. *In re Trejo*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5). The trial court did not clearly err in terminating respondents' parental rights to the child. *In re Trejo, supra* at 356-357.

Affirmed.

/s/ Pat M. Donofrio

/s/ David H. Sawyer

/s/ William B. Murphy