

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHANTELLE DESARAY
JEWETT and SHAYLEA AUTUMN-MICHEL
JEWETT, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BILLY MASON,

Respondent-Appellant.

UNPUBLISHED
September 11, 2008

No. 284818
Lenawee Circuit Court
Family Division
LC No. 06-000524-NA

Before: Whitbeck, P.J., and Bandstra and Donofrio, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor children, Shantelle and Shaylea, pursuant to MCL 712A.19b(3)(c)(i), (g), (j), and (m). We affirm.

On appeal, respondent does not dispute that petitioner established the existence of at least one statutory ground for terminating his parental rights. Rather, he argues that termination of his parental rights was not in the best interests of Shantelle and Shaylea. We disagree.

If a statutory ground for termination is established, the trial 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); *In re Trejo Minors*, 462 Mich 341, 353; 612 NW2d 407 (2000). The trial court's decision terminating parental rights is reviewed for clear error. MCR 3.977(J); *Trejo, supra* at 355-357; *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999).

The trial court did not clearly err in its best interests determination. No evidence was put forth on the record that it was not in Shantelle's or Shaylea's best interests to terminate respondent's parental rights. To the contrary, the evidence established that respondent could not provide for his daughters' safety and well-being. Respondent's psychological evaluation revealed that a substantial level of psychopathology pervades his daily functioning, and that his profile is consistently adverse to parenting. Respondent has a chronic history of maladjustment across several areas of adult functioning, including parenting where he has failed to demonstrate functional competence in managing his role and responsibilities as a parent to eight children.

Because Shantelle and Shaylea would be at risk of neglect and psychological harm if placed with respondent, termination of his parental rights was not contrary to their best interests.

Also, in failing to benefit from the treatment plan, respondent showed that he does not have the capacity and parenting skills needed to properly care for Shantelle and Shaylea. Although respondent enthusiastically complied with his treatment plan, compliance in and of itself is not sufficient to demonstrate that it was not in the children's best interest to terminate his parental rights. It is not enough to merely satisfy the case plan requirements; "a parent must benefit from the services offered so that he or she can improve parenting skills to the point where the children would not longer be at risk in the parent's custody." *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005).

Additionally, termination of respondent's parental rights was not contrary to the best interest of Shantelle and Shaylea because they were not bonded to him. Contrary to respondent's argument, their lack of bond was more than just a natural awkwardness common between adolescent girls and their fathers. Respondent had almost no relationship with the children prior to their adjudication as temporary court wards. Once he began visiting them, he related to them more as a friend than as a parent. Respondent never interacted with Shantelle and Shaylea in a way that inspired confidence in his ability to parent them. Once visits were suspended, the girls did not ask for respondent and their behavior improved dramatically.

Respondent argues that it is in Shantelle's and Shaylea's best interest to be with him because he can care for them and provide a permanent loving environment for them. Although respondent may love the children, the record does not support his contention that he can safely care for them. To properly care for the children, respondent must meet all of their needs and must do more than just provide them with housing and love. Respondent could not provide for Shantelle and Shaylea because he did not have the proper parenting skills and capacity to parent. Respondent could not demonstrate that he knew how to interact with Shantelle and Shaylea or give them the proper guidance and direction.

Respondent's minimization of the girls' special needs further demonstrated that terminating his parental rights was not contrary to their best interests. Shantelle and Shaylea have severe special needs that affect them educationally, emotionally, physically, and medically. Parenting Shantelle and Shaylea would require extensive involvement in therapy to address their emotional issues. And, the caregiver would need to be extensively involved in managing Shantelle's medical care. Respondent argues that it was inappropriate for the court to hear testimony about the efforts made by the foster parents to assist and manage Shantelle's and Shaylea's special needs. However, this testimony was not being used to weigh the advantages of a foster home against the home of respondent as respondent suggests. It was used to demonstrate that these girls require extraordinary effort to provide them with proper care because of their special needs. Respondent does not have the parenting skills needed to parent children with special needs. The trial court did not clearly err in finding that termination of respondent's parental rights was in Shantelle's and Shaylea's best interests.

We affirm.

/s/ William C. Whitbeck
/s/ Richard A. Bandstra
/s/ Pat M. Donofrio