

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AMANDA CHARALLE
HOWARD, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KEITH KELLY HOWARD,

Respondent-Appellant.

UNPUBLISHED
December 18, 2008

No. 285007
Oakland Circuit Court
Family Division
LC No. 04-696434-NA

Before: Cavanagh, P.J., and Jansen and Meter, JJ.

PER CURIAM.

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

The sole issue on appeal is whether the trial court erred in finding termination of respondent father's parental rights was not clearly contrary to the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The minor child was 11 years old when this child protective proceeding commenced and 15 years old when the trial court terminated respondent's parental rights. During that time, she had four placements.

Respondent was incarcerated for the first three years of the proceeding, and the evidence clearly showed he failed to engage in court-ordered services or cooperate with the agency during the year after his release. He tested positive for cocaine, lied about his employment, failed to submit drug screens in order to gain visits with the minor child, and was chronically untruthful with the trial court, the agency, his parole officer, and his employer. Most importantly for the purpose of best interests consideration, he was untruthful to the minor child and told her he was doing everything in his power to facilitate her return home.

The evidence supported respondent's argument on appeal that the child was strongly bonded to him, would suffer emotional distress if his parental rights were terminated, was in residential placement, was of an age to refuse adoption, and might seek him out once she reached the age of majority. It was unlikely that the minor child would be adopted. However, the evidence did not support respondent's contention that termination would deprive the minor child

of beneficial contact with him. Testimony presented at various stages of the proceeding by two of the child's therapists, two caseworkers, the doctor who conducted respondent's and the child's psychological evaluations, and a CASA volunteer who had contact with the child five days a week, clearly showed continued contact with respondent was detrimental to the child. Respondent's chronic lying and failure to comply with services in order to gain visits and achieve reunification caused the minor child anger, confusion, and panic attacks. Although the child would benefit from anti-depressant and anti-anxiety medication, respondent refused it. The evidence also showed respondent had significant psychological issues that remained unaddressed. Return to respondent's care was not a viable option within a reasonable time.

By the time of the best interests hearing, the evidence showed the minor child accepted the likelihood of termination, began the grieving process in counseling, stabilized without medication after contact with respondent ceased, and expressed to her therapist subconscious support for termination of respondent's parental rights. The evidence did not show foster placement during the next three years was impossible.

A best interests determination is based on evidence presented by any party and on the entire record. *Trejo, supra* at 353. In this case, the evidence contained in the lengthy record supported the trial court's finding that the child's need for stability, permanency, and separation from respondent for the duration of her minority outweighed the emotional distress she would experience and address in counseling due to severance of the parent-child bond.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Kathleen Jansen
/s/ Patrick M. Meter