

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of APRIL FAYE HINTON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RYAN LEE HINTON,

Respondent-Appellant,

and

PAMELA ANNE DUPUIS,

Respondent.

In the Matter of MERCEDES ANNE HINTON,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RYAN LEE HINTON,

Respondent-Appellant,

and

PAMELA ANNE DUPUIS,

Respondent.

UNPUBLISHED

April 2, 2009

No. 287290

Macomb Circuit Court

Family Division

LC No. 2006-000437-NA

No. 287291

Macomb Circuit Court

Family Division

LC No. 2006-000438-NA

In the Matter of CONSTANCE LYNN HINTON,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RYAN LEE HINTON,

Respondent-Appellant,

and

PAMELA ANNE DUPUIS,

Respondent.

In the Matter of CODY LEE HINTON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RYAN LEE HINTON,

Respondent-Appellant,

and

PAMELA ANNE DUPUIS,

Respondent.

In the Matter of ZOE MARIE HINTON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

No. 287292
Macomb Circuit Court
Family Division
LC No. 2006-000441-NA

No. 287293
Macomb Circuit Court
Family Division
LC No. 2006-000439-NA

v

RYAN LEE HINTON,

Respondent-Appellant,

and

PAMELA ANNE DUPUIS,

Respondent.

In the Matter of APRIL FAYE HINTON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

PAMELA ANNE DUPUIS,

Respondent-Appellant,

and

RYAN LEE HINTON,

Respondent.

In the Matter of MERCEDES ANNE HINTON,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

PAMELA ANNE DUPUIS,

Respondent-Appellant,

No. 287294
Macomb Circuit Court
Family Division
LC No. 2006-000440-NA

No. 287295
Macomb Circuit Court
Family Division
LC No. 2006-000437-NA

No. 287296
Macomb Circuit Court
Family Division
LC No. 2006-000438-NA

and

RYAN LEE HINTON,

Respondent.

In the Matter of CODY LEE HINTON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

PAMELA ANNE DUPUIS,

Respondent-Appellee,

and

RYAN LEE HINTON,

Respondent.

In the Matter of ZOE MARIE HINTON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

PAMELA ANNE DUPUIS,

Respondent-Appellant,

and

RYAN LEE HINTON,

Respondent.

No. 287297
Macomb Circuit Court
Family Division
LC No. 2006-000439-NA

No. 287298
Macomb Circuit Court
Family Division
LC No. 2006-000440-NA

In the Matter of CONSTANCE LYNN HINTON
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

PAMELA ANNE DUPUIS,

Respondent-Appellant,

and

RYAN LEE HINTON,

Respondent.

No. 287299
Macomb Circuit Court
Family Division
LC No. 2006-000441-NA

Before: Saad, C.J., and Bandstra and Hoekstra, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal the trial court's order that terminated their parental rights to their minor children pursuant to MCL 712A.19b(c)(i), (g), and (j). For the reasons set forth below, we affirm.

This Court reviews a trial court's decision to terminate parental rights for clear error.¹ MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). "If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made." MCL 712A.19(b)(5).

Respondent-father argues that the trial court clearly erred when it found that petitioner established the statutory grounds for termination by clear and convincing evidence. The issues that led to the removal of the children included homelessness, insufficient income, and substance

¹ A finding of fact is clearly erroneous if the reviewing court is left with a definite and firm conviction that a mistake was made. *In re Terry*, 240 Mich App 14, 22; 610 NW2d 563 (2000). In applying the clearly erroneous standard, the Court should recognize the special opportunity the trial court has to assess the credibility of the witness. MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

abuse. Despite numerous services over an almost two-year period, respondent-father did not procure an adequate residence, a stable or verifiable income, and he continued to face substance abuse problems. Moreover, because of respondent-father's pattern of instability, refusal to fully participate in services, and lack of insight into his own conduct, there is no reasonable likelihood that these issues would be resolved within a reasonable time. Therefore, the trial court did not clearly err in finding that the petitioner established statutory grounds for termination.

Both respondents argue that the trial court erred in finding that petitioner made reasonable efforts to prevent removal and to rectify the conditions that led to removal. Generally, a petitioner must make reasonable efforts to reunite parents and their children through a treatment plan and referrals. *In re Fried*, 266 Mich App 535, 542; 702 NW2d 192 (2005); MCL 712A.18f. With regard to respondent-father, overwhelming evidence established that petitioner offered and provided numerous services to him, but he failed to take advantage of or follow through with many of those services.

Petitioner offered services for six months before the original removal petition was filed and services were offered throughout the almost two-year proceeding. Before the children's removal, petitioner provided respondent-father with housing lists, offers to assist with moving costs, food stamps, and emergency food. Both before and after the children's removal, respondent-father received referrals and payment for substance abuse treatment and parenting classes, and he was allowed supervised visitation with the minor children. Even after several days of testimony were taken at the termination trial, all of the parties stipulated to an adjournment to allow respondents more time. Despite all of the services and additional chances to comply with what was required, respondent-father continued to miss drug screens, he gave positive drug screens, and he failed to verify proof of attendance at Alcoholics Anonymous/Narcotics Anonymous meetings. Five months after the trial was delayed to provide respondents additional time to utilize offered services, respondent-father did not have stable housing for the children and did not provide proof of income. Approximately two and a half years after services began and two years after the minor children were removed from the home, there were still issues of insufficient income, lack of adequate housing, and substance abuse. Petitioner provided numerous referrals for services that respondent-father either underutilized or ignored. Accordingly, we hold that the trial court correctly found that petitioner engaged in reasonable efforts and provided ample treatment opportunities and referrals.

Respondent-father also argues that the caseworker was biased against him. During the course of the proceedings, respondents filed a complaint with the governor's office and alleged that the caseworker lied about them and should be removed from the case. Evidence showed that respondent-father has consistently blamed others for his problems and he continues to do so on appeal. The record further reflects that respondent-father never acknowledged the impact of his substance abuse on the children and he failed to follow through with what was required to regain custody. Our review of the record reveals no bias against respondents in the caseworker's handling of the case.

Respondent-mother does not specifically challenge the court's finding of statutory grounds for termination, but she argues that she did not receive adequate services to address her depression. She contends that petitioner should not have been ordered to file a petition to terminate her parental rights before it received a copy of the report from the psychiatric evaluation so that appropriate services could be provided. We find that the evidence presented at

trial shows that any depression symptoms that were identified for respondent-mother had been addressed with extensive services, including the psychological and psychiatric evaluations and individual therapy. The evidence presented showed that respondent-mother was referred for both a psychological and psychiatric evaluation, and she participated in both evaluations. Individual therapy was recommended. Respondent-mother participated in individual therapy, and the therapist indicated that they worked on depression and substance abuse issues. While the caseworker for petitioner did not get a report from the psychiatric evaluation before filing the termination petition, she was aware that the psychiatrist found mild to no symptoms of depression and did not recommend medication. Accordingly, we hold that the trial court's finding that petitioner provided reasonable services was not clearly erroneous.

The trial court also did not clearly err when it found that termination was in the best interests of the children. MCL 712A.19b(5). Although the evidence established that the children and respondents were bonded, respondents were not able to provide the stability, physical support, and emotional support necessary for the children's health, happiness, and well being. Despite numerous services offered over more than two years, the issues of homelessness, lack of sufficient income, and substance abuse were not resolved.

Respondent-mother makes a further argument that, because the trial court relied on an in camera interview with her 15-year-old daughter in making its best interests determination, the court was required to put a summary of the interview on the record. Respondent-mother contends that, without a record of the in camera interview, this Court does not have all of the evidence to properly review the case.

Although respondent-mother implies that the trial court improperly questioned the 15-year-old about issues of abuse or neglect in addition to her desire to live with her parents, this argument ignores the fact that the guardian ad litem was present during the interview. The trial court did not reveal what the child said during the interview, but the court did state that it placed weight on her opinion about respondents' parental rights. Moreover, the trial court looked at appropriate factors when determining what was in the best interests of the children. The court acknowledged the bond between the children and respondents but found that respondents are unable to provide the stability the children need and to which they are entitled.

The evidence placed on the record amply supports the court's determination. Respondents were provided services to assist them toward reunification for over two years, yet the issues of inadequate housing, insufficient income, and substance abuse continued. Any information that the trial court obtained during the in camera interview with the 15-year-old with regard to these issues would only have been cumulative and was not necessary for the trial court to reach its conclusion. There was no error in the trial court's finding that it was in the best interests of the children to terminate respondents' parental rights.

Affirmed.

/s/ Henry William Saad
/s/ Richard A. Bandstra
/s/ Joel P. Hoekstra