

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JOSEPH MICHAEL QUINN, JR.,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JOSEPH M. QUINN,

Respondent-Appellant.

UNPUBLISHED
December 22, 2009

No. 292300
Saginaw Circuit Court
Family Division
LC No. 08-031811-NA

Before: Gleicher, P.J., and Fitzgerald and Wilder, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(j) and (m). We affirm.

Clear and convincing evidence existed in support of the trial court's decision to terminate respondent's parental rights. MCL 712A.19b(3); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000).

The child's school made a mandatory referral to Children's Protective Services after finding bruising on the back of the child's neck. The child told the caseworker that respondent had grabbed him by the neck because he was not completing a homework assignment properly. Upon questioning, respondent told the worker that he did, in fact, grab the child, but not in anger. Respondent explained that the child had ADHD and that he merely grabbed him in order to make him settle and focus on his homework assignment. Upon further investigation, it was revealed that respondent had a prior termination in which he voluntarily relinquished his parental rights to a special needs child because the mother had effectively abandoned her and respondent was incarcerated. The investigation also revealed that respondent had an extensive criminal history, including five prior felonies, primarily for domestic violence. Two very recent episodes involved his then live-in girlfriend and his new wife.

Respondent readily admitted that he had psychological problems, including major depression and poor impulse control. Still, his counselor testified that respondent attended only half of their sessions and made no progress. The evidence further demonstrated that respondent would need a year of additional therapy before showing any real stability, especially in light of

respondent's recent diagnosis of bipolar disorder and new drug regimens. Respondent also failed to contact the caseworker, even when requested to do so. We conclude, therefore, that the record belies respondent's contention that the prior termination was the only reason why the child was removed from his care. The fact that defendant failed to comprehend the myriad of issues facing him in his recovery supports the lower court's conclusion that he lacked the requisite insight into his circumstances.

The evidence clearly supports termination of respondent's parental rights, both because of the prior termination, and because the child was at risk of harm both physically and psychologically. Respondent was not actively pursuing treatment. The child had problems at school with spitting, biting, swearing, and pulling ears. He was diagnosed with ADHD. Although the record was not fully developed, it appears as though the child was the victim of sexual abuse. He was entitled to permanence and stability, which respondent could not provide. Termination of respondent's parental right was in the child's best interests. MCL 712A.19b(5).

Affirmed.

/s/ Elizabeth L. Gleicher
/s/ E. Thomas Fitzgerald
/s/ Kurtis T. Wilder