

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CFB, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ERIC G. BORRE,

Respondent-Appellant,

and

JULIA ANN BORRE,

Respondent.

In the Matter of CFB, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JULIA ANN BORRE,

Respondent-Appellant,

and

ERIC G. BORRE,

Respondent.

Before: MARKEY, P.J., and ZAHRA and GLEICHER, JJ.

UNPUBLISHED

April 20, 2010

No. 293379

Wayne Circuit Court

Family Division

LC No. 07-472381-NA

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PER CURIAM.

Respondents appeal by right the trial court's order terminating their parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that at least one statutory ground for termination was established by clear and convincing evidence, MCL 712A.19b(3), and that termination of parental rights was in the minor child's best interest, MCL 712A.19b(5). *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003); MCR 3.977(J). There was clear and convincing evidence that the conditions leading to adjudication—substance abuse and lack of stable housing—continued to exist, and it was not reasonably likely they would be rectified in a reasonable time. MCL 712A.19b(3)(c)(i). Respondents' substance abuse, lack of stable housing and income, and poor judgment also made them unable to provide proper care and custody in a reasonable time. MCL 712A.19b(3)(g). The child would likely be harmed if returned to respondents because they moved among friends' homes and abused substances. MCL 712A.19b(3)(j).

Although the trial court misspoke when it referenced the “almost three years” the case had been pending, the court cited the correct year. The error was harmless. MCR 2.613. Further, although respondents may have struggled with depression, when a parent cannot meet minimum parental responsibilities, the child's needs prevail. *In re Terry*, 240 Mich App 14, 28; 610 NW2d 563 (2000), citing *In re AP*, 728 A2d 379 (Pa, 1999).

Respondents argued that petitioner should have provided additional services to address their depression and lack of stable income and housing. “[W]hen a child is removed from the parents' custody, the petitioner is required to make reasonable efforts to rectify the conditions that caused the child's removal by adopting a service plan.” *In re Fried*, 266 Mich App 535, 542; 701 NW2d 192 (2005). However, petitioner referred respondents to therapy and had no reason to believe respondents required psychiatric treatment. Respondents did not request psychiatric care, housing assistance, or employment assistance. Further, they did not remain in contact with their foster care worker and did not submit required random drug screens. Petitioner's efforts were reasonable under the circumstances.

The trial court also did not err in its best interests determination. MCL 712A.19b(5). Respondents visited frequently and witnesses testified that the child was attached to her parents. This was relevant to the best interests analysis. See *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004); *In re AH*, 245 Mich App 77, 89; 627 NW2d 33 (2001). However, the child's need for stability was also relevant. See *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991). Although the maternal grandmother offered guardianship, that would not provide complete stability. The trial court did not clearly err when it balanced the child's interests and held that termination of both respondents' parental rights was in her best interests.

We affirm.

/s/ Jane E. Markey
/s/ Brian K. Zahra
/s/ Elizabeth L. Gleicher