STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of DEQUANTE DARIUS REYNOLDS and DEQUEZ RAMONE REYNOLDS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TAMIKA FRANCES WILLIAMS,

Respondent-Appellant,

and

QUINTON MICHAEL ODELL REYNOLDS,

Respondent.

UNPUBLISHED
May 11, 2010

No. 294028
Macomb Circuit Court
Family Division
LC No. 2007-000013-NA;
2009-000157-NA

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

QUINTON MICHAEL ODELL REYNOLDS,

Respondent-Appellant,

and

TAMIKA FRANCES WILLIAMS,

No. 294156
Macomb Circuit Court
Family Division
LC No. 2007-000013-NA;
2009-000157-NA

Respondent.

Before: CAVANAGH, P.J., and O'CONNELL and WILDER, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the order terminating their parental rights to the older child under MCL 712A.19b(3)(c)(*i*), (g), (j), and (m), and to the younger child under MCL 712A.19b(3), (g), (j), and (m). We affirm.

Termination of parental rights requires a finding that at least one of the statutory grounds under MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The trial court must then order termination of parental rights if it finds that termination is in the children's best interests. MCL 712A.19b(5). Trial court findings are reviewed for clear error. MCR 3.977(J); *Trejo*, 462 Mich at 356-357. A finding is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake was committed, giving due regard to the trial court's opportunity to observe the witnesses. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. Respondents voluntarily relinquished their parental rights to two older children in May 2006 during the termination hearing in that case and after failing to substantially complete a parent agency agreement (PAA) to improve their parenting skills and problems with anger and domestic violence. Thus, clear and convincing evidence established grounds for termination of their rights to both children in this case under MCL 712A.19b(3)(m). *In re AMAC*, 269 Mich App 533, 539; 711 NW2d 426 (2006). Only one statutory ground need be proven by clear and convincing evidence to terminate parental rights. *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

In addition, the evidence clearly and convincingly showed that both respondents failed to benefit sufficiently from services to ensure the safe return of the children. Both minor children were in foster care almost from birth. Except for very short periods, neither child lived with respondents for any length of time. The older child was returned in May 2008, but he had to be removed again the following July after foster care workers witnessed respondents having a loud, hostile argument and swearing match in front of the child. Apparently unbeknownst to the Department of Human Services (DHS), police had come to respondents' apartment several times between March 2008 and July 2008 in response to complaints of domestic discord. All these incidents involved loud swearing and screaming. Although there was no definite indication that the child was present or witnessed any of the arguments, there were at least three incidents in the same general time period, while the case was pending, in which respondents engaged in physical acts that could have endangered a toddler, such as throwing or pouring bleach, throwing objects around or out of the apartment, and damaging walls and other property. On one of these occasions, the respondent father reportedly sustained scratches and bruises.

In August 2009, while the court was holding its final hearings on the petitions requesting termination of respondents' parental rights, police responded three times in one morning to

complaints that respondent father and his brother were being loud, drunk, and profane outside and inside the apartment. Two of these calls came from the respondent mother, who apparently reacted in kind to the men's hostile taunts. She called police because respondent father's brother was threatening her and respondent father was reportedly adding to the problem. Thus, although respondent father was learning from his domestic violence program, he evidently had not learned enough to avoid such a scene with respondent mother. Respondent mother had delayed returning to counseling, which could have helped her deal with the unfortunate situation. Respondent mother had several other avenues to avoid the conflict that did not involve screaming and swearing on her part. Respondents clearly needed much more work on their domestic and individual anger issues, and they did not benefit from counseling and domestic violence classes sufficiently to risk returning either child to their care. Although the mother stated at the last hearing that respondents intended to separate and plan separately for the children, in the course of their ten-year relationship they had always reunited after short separations. For this reason, the DHS and the trial court were understandably skeptical of the mother's stated intention. Shortly before the August 2009 argument, respondent father had testified that he hoped to marry respondent mother. Further, even if respondents were to remain apart, the disharmony in their relationship could affect the children's welfare when respondents would drop off or pick up the children at each other's homes.

Thus, although respondents both love the children and made sincere efforts to improve, their improvement was insufficient. Compliance with a PAA is evidence of ability to provide proper care and custody. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003). However, parents must also benefit from services in order to provide a nurturing, safe, non-neglectful home. *In re Gazella*, 264 Mich App 668, 676-677; 692 NW2d 708 (2005), superseded in part on other grounds *In re Hansen*, 285 Mich App 158, 163; 774 NW2d 698 (2009), lv gtd 485 Mich 940 (2009). Here, there was no reasonable likelihood that respondents would be able to provide proper care or custody within a reasonable time, considering the children's ages, and the children would be at risk of at least emotional harm in their care. MCL 712A.19b(3)(g) and (j). Clear and convincing evidence established that termination was appropriate under these subsections as well.

Respondent father also argues that the DHS did not sustain its burden of proving that termination would be in the children's best interests. The record refutes this claim. MCL 712A.19b(5), as amended by 2008 PA 199, requires that the court find termination to be in the children's best interest before parental rights can be terminated. Here, respondent father had a strong bond with the older child. He demonstrated nurturance and excellent parenting skills in visitations. However, he was willing to let respondent mother "take the lead" if the parties were to plan separately. In addition, respondents' recurrent difficulties with domestic discord, which continued even as the case progressed to final hearings and once occurred in the presence of caseworkers and the older child, clearly and convincingly showed that termination was in the children's best interests. The children are very young and should not have to wait for respondents to repair their relationship and establish a stable home or homes. The evidence clearly and convincingly showed that respondents, together or separately, would be unable to provide the stability and nurturance the children needed within a reasonable time. The children need a permanent, safe, stable home, which respondents cannot provide. The trial court did not clearly err in its best-interest ruling.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Peter D. O'Connell
/s/ Kurtis T. Wilder