

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
June 21, 2012

In the Matter of T. HANKINS, Minor.

No. 307235
Kent Circuit Court
Family Division
LC No. 11-050075-NA

Before: DONOFRIO, P.J., and MARKEY and OWENS, JJ.

PER CURIAM.

Respondent father appeals by right the trial court's order terminating his parental rights to his minor child pursuant to MCL 712A.19b(3)(a)(ii) and (g). We affirm.

The child in this case was removed from his mother's care because of neglect and possible abuse of the child's sibling. Both before and after the child was removed from the mother's home, respondent father was offered numerous services including counseling, parenting classes, drug screens, and visits with the child; but he refused to participate in virtually all of the offered services, refused to enter into a parent agency agreement with petitioner, rarely visited with the child, and demonstrated no progress in establishing himself as a fit custodian for the child. When the trial court terminated respondent's parental rights to the child, respondent had not visited the child for over six months.

To terminate parental rights, the trial court must find that at least one statutory ground for termination has been demonstrated by clear and convincing evidence. MCL 712A.19b(3); *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005). Respondent does not contend that the trial court erred in finding a statutory basis for termination under subsections (3)(a)(ii) and (g), and we find no such error. Respondent contends, however, that the trial court erred in determining that termination was in the best interests of the child. We disagree.

Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court is required to affirmatively find that termination is in a child's best interests before ordering termination. MCL 712A.19b(5); *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011). While the Legislature has not defined the criteria for determining the best interests of a child, case law indicates that a trial court may consider a variety of factors, including the parent's history, unfavorable psychological evaluations, the child's age, inappropriate parenting techniques, and continued involvement in domestic violence. See *In re Jones*, 286 Mich App 126, 131; 777 NW2d 728 (2009). A trial court may also consider the strength of the bond between the parent and child, the visitation history, the parent's

engaging in questionable relationships, the parent's compliance with treatment plans, the child's well-being while in care, and the possibility of adoption. 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). A trial court may also consider the child's need for permanence and the length of time the child may be required to wait for the parent to rectify the conditions in question. See *In re McIntyre*, 192 Mich App 47, 52-53; 480 NW2d 293 (1991).

In this case, the trial court found that termination was in the best interests of the child, noting that respondent had continually shown a complete lack of effort to comply with or even sign the parent agency agreement. These findings are supported by the record. At the time of the termination hearing, respondent had not visited with the child for over six months. He had refused repeatedly to sign the parent agency agreement and had refused to participate in virtually all of the services offered. Though respondent had earlier participated in a psychological evaluation, he refused to participate in the subsequently recommended services. Respondent also had a history of domestic violence with the child's mother which respondent refused to address through services. Having considered factors that are relevant and permissible for determining the best interests of the child and given the record support for those factors, it cannot be said that the trial court clearly erred in determining that termination was in the best interests of the child. *In re VanDalen*, 293 Mich App at 139. In reaching our conclusion, we reject that respondent should have been afforded additional time to participate in services. Because the trial court found by clear and convincing evidence that a statutory ground for termination existed and that it was in the best interests of the child to terminate respondent's parental rights, it was prohibited from "order[ing] that additional efforts for reunification of the child with the parent . . . be made." MCL 712A.19b(5); *In re VanDalen*, 293 Mich App at 139.

We affirm.

/s/ Pat M. Donofrio
/s/ Jane E. Markey
/s/ Donald S. Owens