STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of COPELAND/BOYLES, Minors.

UNPUBLISHED
December 26, 2013

No. 315627
Muskegon Circuit Court
Family Division
LC No. 11-040615-NA

Before: SAWYER, P.J., and MARKEY and STEPHENS, JJ.

PER CURIAM.

Respondent-father appeals as of right the trial court's order terminating his parental rights to the minor children, KC and UB, under MCL 712A.19b(3)(c)(*i*) (conditions of adjudication continue to exist), (c)(*ii*) (failure to rectify conditions following the court's assumption of jurisdiction), (g) (failure to provide proper care and custody), and (j) (child will be harmed if returned to parent). We affirm.

"In order to terminate parental rights, the trial court must find by clear and convincing evidence that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met." *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011). "We review the trial court's determination for clear error." *Id.* "A finding is clearly erroneous if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made." *In re HRC*, 286 Mich App 444, 450; 781 NW2d 105 (2009).

We first find that the trial court did not clearly err in finding that petitioner established, by clear and convincing evidence, a statutory ground for termination under MCL 712A.19b(3)(j). Termination is proper under MCL 712A.19b(3)(j) where "[t]here is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent." The harm to the child contemplated under MCL 712A.19b(3)(j) includes emotional harm as well as physical harm. *In re HRC*, 286 Mich App at 459.

Respondent and the mother of KC and UB had a tumultuous relationship, which included a history of domestic violence. The mother's parental rights to both children were ultimately terminated after it was determined that she was a danger to the children because of her mental instability and homicidal ideations. Despite the problems with the relationship, respondent continued contact with the children's mother in the months after he was released from prison. Because respondent appeared unable to separate himself entirely from mother, who was a danger to the children, we find that the record supports that the children would not be safe from physical

harm if they were returned to respondent's care. Further, respondent failed to provide the consistency and stability that the children needed during parenting time, which resulted in an "extreme" decline in their behavior. It was not until after respondent's parenting time was suspended by the trial court that the children began making behavioral progress in therapy and in their foster home. Thus, the record supports that the children would be emotionally harmed if they were returned to respondent's care. Accordingly, the trial court's finding that there was a reasonable likelihood of harm if the children were returned to respondent's home does not leave us with "a definite and firm conviction that a mistake has been made." *In re HRC*, 286 Mich App at 450.

Because we have concluded that at least one ground for termination existed, we need not consider the additional grounds upon which the trial court based its decision. *Id.* at 461. Nevertheless, we have reviewed those grounds and conclude that termination was appropriate under each. MCL 712A.19b(3)(c)(*i*), (c)(*ii*), and (g).

Respondent also argues that termination of his parental rights was not in the children's best interests. "Once a statutory ground for termination has been proven, the trial court must find that termination is in the child's best interests before it can terminate parental rights." *In re Olive/Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012); MCL 712A.19b(5). "[W]hether termination of parental rights is in the best interests of the child must be proven by a preponderance of the evidence." *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). We review a trial court's finding that termination is in the child's best interests for clear error. *In re HRC*, 286 Mich App at 459. In *In re VanDalen*, 293 Mich App at 141, when reviewing best interests, this Court looked at evidence that the children were not safe with the parents, were thriving in foster care, and that the foster care home could provide stability and permanency. A trial court may also consider whether the parent has a healthy bond with the children when determining best interests. *In re CR*, 250 Mich App 185, 196-197; 646 NW2d 506 (2002).

Respondent herein repeatedly failed to discontinue a relationship with the children's mother, who was determined to be a danger to the children, thus supporting that the children were not safe with respondent. Further, the record supported the KC and UB would be emotionally damaged if returned to respondent because he was incapable of providing structure and consistency, which the children required because of their reactive attachment disorder. Moreover, the children, who had been in foster care for over a year at a half at the time of termination, had adjusted well in their placement, and their foster parents had expressed an interest in adopting them. Although respondent argues on appeal that he should have been provided additional time to complete the required services and bond with his children, we focus on the children when determining whether termination was in the best interest of the children. This includes considering their need for stability and permanency. *In re VanDalen*, 293 Mich App at 141. Based on a review of the record, the trial court correctly ruled that terminating respondent's parental rights was in the children's best interest and, thus, it did not clearly err. MCL 712A.19b(5). *In re HRC*, 286 Mich App at 450.

Respondent also makes two cursory arguments that he was not provided with adequate services and that he was excluded from participation in hearings while he was incarcerated. Because respondent failed to explain or rationalize these arguments and cite to supporting authority, they are abandoned. *Houghton ex rel Johnson v Keller*, 256 Mich App 336, 339; 662 NW2d 854 (2003), lv den 469 Mich 951 (2003) (citations omitted). Moreover, to the extent that we have considered them, we find that they are unsupported by the record.

Affirmed.

/s/ David H. Sawyer
/s/ Jane E. Markey
/s/ Cynthia Diane Stephens