

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of BARBARA ANN MARIE  
BESAW and SHARLENE MARIE MARGARET  
BESAW, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

CARMEN WAYNE BESAW,

Respondent-Appellant.

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UNPUBLISHED

January 27, 2009

No. 286925

Saginaw Circuit Court

Family Division

LC No. 07-031101-NA

Before: Talbot, P.J., and Bandstra and Gleicher, JJ.

MEMORANDUM.

Respondent appeals the July 14, 2008 order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(g), (i), and (l). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were proven by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The children were originally removed after one of them suffered non-accidental second-degree burns for which the children's mother could not provide a reasonable explanation.<sup>1</sup> The original petition seeking termination of parental rights also named respondent as the children's father, but it was later learned that the children were born while the mother was married to another man. It was only after the other man voluntarily relinquished his parental rights that respondent was able to establish himself as the girls' legal father. Respondent makes much of the fact that he was denied visitation in the confusion over whether an amended termination petition had been filed, but this was of little consequence, especially in light of the fact that respondent was granted make-up visitation. At the termination hearing, respondent admitted that he was homeless and had been for several months, and that he had had no legal source of income for approximately two years. Respondent offered a friend's trailer as an option, but the caseworker found it inappropriate for the children. Respondent attended

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<sup>1</sup> The children's mother voluntarily relinquished her parental rights on April 11, 2008.

parenting classes, but the instructor relayed that he did not fully participate or interact during the classes. The children feared respondent, did not want to visit with him, and often suffered from nightmares and bathroom issues after seeing him. There was clear and convincing evidence, therefore, that respondent was without the ability to provide the children with proper care or custody.

Respondent also readily admitted that his parental rights to another child had been terminated after she spent a year and a half as a temporary ward. Respondent claimed that he was fully compliant with the parent-agency agreement in that case; he blamed termination of his rights to his other child on the mother of the minor children at issue here, claiming that she would not participate with him in court-ordered services in that case. Even if this is true, it merely demonstrates that respondent placed his love interest in the mother of the minor children at issue here above the well being of his child and the opportunity to retain his parental rights to that child. There was clear and convincing evidence, therefore, that respondent's parental rights to another child had been terminated and prior efforts at rehabilitation were unsuccessful.

Having found the statutory grounds for termination proven by clear and convincing evidence, the trial court was obligated to terminate respondent's parental rights if it was in the children's best interests to do so. MCL 712A.19b(5). Without a home and a legal source of income, respondent could not care for the children's basic needs. In addition, the children reacted negatively to their visits with respondent. There was no evidence that the children shared a bond with respondent. They were flourishing in foster care. The mother had voluntarily relinquished her parental rights and the children were entitled to permanence and stability. Therefore, the record supports that trial court's conclusion that termination of respondent's parental rights was in the children's best interests.

We affirm.

/s/ Michael J. Talbot  
/s/ Richard A. Bandstra  
/s/ Elizabeth L. Gleicher