

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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UNPUBLISHED  
December 28, 2010

In the Matter of S. K. GELIL, Minor.

No. 298619  
Macomb Circuit Court  
Family Division  
LC No. 2008-000041-NA

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In the Matter of S. K. GELIL, Minor.

No. 298622  
Macomb Circuit Court  
Family Division  
LC No. 2008-000041-NA

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Before: SHAPIRO, P.J., and SAAD and K.F. KELLY, JJ.

PER CURIAM.

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

A petitioner must establish at least one statutory ground for termination of parental rights by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). The lower court must also find that termination is in the child's best interests before it terminates a respondent's parental rights. MCL 712A.19b(5).

Respondent mother argues that the lower court erred regarding each statutory ground and the child's best interests. We disagree. Respondent mother completed parenting classes and anger management, visited appropriately, provided negative substance screens, and was mostly consistent attending therapy after she was released from jail. However, she was not honest regarding her relationship with respondent father, which prevented petitioner from providing sufficient services to ensure the relationship became healthy or ended. There was evidence the relationship, which previously led to domestic violence, remained extremely volatile and continued to involve alcohol. Further, respondent mother lacked stable housing and income, nearly two and a half years after the child was removed. She did not adequately explain why she did not live with her mother or facilitate an assessment of her mother's home if that was where she intended to parent her child. The lower court did not clearly err when it found clear and convincing evidence that the conditions leading to adjudication continued to exist and were not likely to be rectified in a reasonable time, MCL 712A.19b(3)(c)(i), respondent mother failed

to provide proper care and custody and was not likely to within a reasonable time, MCL 712A.19b(3)(g), and the child was reasonably likely to be harmed if returned, MCL 712A.19b(3)(j).

The court also did not err when it held that termination was in the child's best interests. Contrary to respondent mother's assertion on appeal, MCL 722.23 does not directly apply to termination decisions; the court may consider many of the concerns underlying the best interests factors but is not required to apply them. *In re JS and SM*, 231 Mich App 92, 102-103; 585 NW2d 326 (1998), overruled in part on other grounds by *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). The evidence indicated the child was bonded to respondent mother but suffered anxiety from memories of her care. Further, respondent mother lacked stable housing and income and her relationship with respondent father posed a risk of physical and emotional harm to the child. She could not create a safe, permanent home for her child in the foreseeable future.

Respondent father also challenges the lower court's findings regarding each statutory ground, arguing that he was a victim of the economy and there was no evidence the child would be harmed in his care. The foster care worker testified that respondent father's employer reported he left his job voluntarily, and he attended his domestic violence classes only sporadically even before losing or leaving employment. Further, his volatile relationship with respondent mother posed a continuing risk to a child in his care.

The lower court did not clearly err when it found clear and convincing evidence that the conditions leading to adjudication continued to exist and were not likely to be rectified in a reasonable time, MCL 712A.19b(3)(c)(i), respondent father failed to provide proper care and custody and was not likely to within a reasonable time, MCL 712A.19b(3)(g), and the child was reasonably likely to be harmed if returned, MCL 712A.19b(3)(j).

Respondent father also argues that termination was not in the child's best interests. After a review of the full record we conclude the lower court did not err when it held that termination of respondent father's parental rights was in the child's best interests.

Affirmed.

/s/ Douglas B. Shapiro  
/s/ Henry William Saad  
/s/ Kirsten Frank Kelly