

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED

April 12, 2011

In the Matter of T. M. BOSMAN, Minor.

No. 300044

Otsego Circuit Court

Family Division

LC No. 09-000066-NA

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Before: O'CONNELL, P.J., and K.F. KELLY and RONAYNE KRAUSE, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating his parental rights to his minor child under MCL 712A.19b(3)(c)(ii) and (g). The child's mother died during the pendency of these proceedings. We affirm.

In a termination proceeding, petitioner has the burden of proving at least one statutory ground for termination by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). If petitioner establishes a statutory ground for termination, the trial court must terminate parental rights if termination is in the child's best interests. MCL 712A.19b(5). This Court reviews "for clear error a trial court's factual findings as well as its ultimate determination that a statutory ground for termination of parental rights has been proved by clear and convincing evidence." *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010); MCR 3.977(K). Further, this Court reviews for clear error the trial court's decision on the best interest issue. *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003). Clear error occurs if "the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *Mason*, 486 Mich at 152, quoting *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). This Court gives deference to the trial court's special opportunity to assess the credibility of witnesses. *In re HRC*, 286 Mich App 444, 459; 781 NW2d 105 (2009).

We find no clear error in the trial court's determination that clear and convincing evidence established grounds for termination under MCL 712A.19b(3)(g). The record demonstrates that respondent had never provided care for the child and that respondent's proposed recovery from chronic substance abuse would be lengthy. Specifically, respondent's counselor testified that upon respondent's release from prison in two years, respondent would need three to six months of residential substance abuse treatment and then six more months in transition housing before respondent could begin to think of parenting the child. The record further established that the child had no emotional bond with respondent, and that respondent had interacted with the child for only three months of the child's 20 months of life. This

evidence was sufficient to allow the trial court to find termination appropriate based upon MCL 712A.19b(3)(g).

Respondent argues that reversal is required based upon our Supreme Court's decision in *Mason*, 486 Mich 142. We disagree. Unlike the respondent in *Mason*, respondent in this case was present at every hearing. Moreover, petitioner provided respondent with therapy. Respondent had no plan for housing or employment following his proposed substance abuse treatment. Despite the therapy and the offer of other services, there was no reasonable expectation that respondent would be able to provide proper care and custody for the child within a reasonable time given the child's young age.

Because grounds for termination were sufficiently established under § 19b(3)(g), we need not address whether the trial court erred in relying on § 19b(3)(c)(ii) as an additional ground for termination. See *Trejo*, 462 Mich at 355.

Once a statutory ground for termination is established, the trial court shall order termination of parental rights if it finds that termination is in the child's best interests. MCL 712A.19b(5). Here, the record amply supports the trial court's best interests decision. Considering the evidence of respondent's lack of involvement in the child's life, and of respondent's chronic substance abuse, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests.

Affirmed.

/s/ Peter D. O'Connell  
/s/ Kirsten Frank Kelly  
/s/ Amy Ronayne Krause