

STATE OF MICHIGAN
COURT OF APPEALS

In re I KILDARE, Minor.

UNPUBLISHED
October 22, 2015

Nos. 327543; 327554
Berrien Circuit Court
Family Division
LC No. 2014-000112-NA

Before: M. J. KELLY, P.J., and MURRAY and SHAPIRO, JJ.

PER CURIAM.

In docket no. 327543, respondent-mother appeals by right the trial court's order terminating her parental rights to the minor child under MCL 712A.19b(3)(g), (j), and (l). In docket no. 327554, respondent-father appeals by right the trial court's order terminating his parental rights to the minor child under MCL 712A.19b(3)(a)(i) and (l). Because the trial court did not clearly err when it found that the Department of Health and Human Services established by clear and convincing evidence grounds for termination of both respondents' parental right to the child, and did not clearly err when it found that termination was in the child's best interests, we affirm.

In July and August, 2014, the trial court terminated respondent-mother's and respondent-father's parental rights to six minor children. The minor child involved in this appeal was born in October of that same year. The trial court removed the minor child from respondents' care on the basis of the prior terminations. Although respondent-father told the trial court at a hearing that he was the child's legal father, he never took steps to establish his paternity, despite the Department's repeated efforts to get him to do so and the trial court's encouragement. The trial court entered an order terminating both respondents' parental rights along with the parental rights of all other putative fathers in March 2015.

A trial court must terminate a parent's parental rights to a child if it finds by clear and convincing evidence that the Department has established at least one of the grounds for termination stated under MCL 712A.19b(3) and that termination is in the child's best interests. See *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011), citing MCL 712A.19b(3) and (5). This Court reviews the trial court's findings in support of its decision to terminate parental rights for clear error. *In re Gonzales/Martinez Minors*, ___ Mich App ___, ___; ___ NW2d ___ (2015) (Docket No. 324168); slip op at 2.

Respondent-father does not challenge the trial court's finding that the Department established by clear and convincing evidence at least one ground for terminating his parental rights to the child. And, although respondent-mother argues that the trial court erred when it found that the Department had established grounds for termination under MCL 712A.19b(3)(g) and (j), she does not challenge the court's finding as to MCL 712A.19b(3)(l). Moreover, there is no dispute that mother's rights to her six other children were terminated in 2014. Therefore, the trial court did not clearly err in finding that termination was proper under MCL 712A.19b(3)(l). *In re Gonzales/Martinez Minors*, ___ Mich App at ___; slip op at 2. Because the trial court could terminate respondent-mother's parental rights under MCL 712A.19b(3)(l) alone, we need not consider whether the trial court clearly erred when it found that the Department established the other grounds for termination. See *In re Trejo*, 462 Mich 341, 360; 612 NW2d 407 (2000).

The trial court also did not clearly err in finding that termination of both respondents' parental rights was in the child's best interests. "Even if the trial court finds that the Department has established a ground for termination by clear and convincing evidence, it cannot terminate the parent's parental rights unless it also finds by a preponderance of the evidence that termination is in the best interests of the children." *In re Gonzales/Martinez Minors*, ___ Mich App at ___; slip op at 4 (citations omitted). When considering best interests, the focus is on the child rather than the parent. *In re Moss*, 301 Mich App 76, 87; 836 NW2d 182 (2013). The trial court should consider the whole record when determining whether termination is in the child's best interests. *In re Trejo*, 462 Mich at 356. "The children's bond to the parent, the parent's parenting ability, and the children's need for permanency, stability, and finality are all factors for the court to consider in deciding whether termination is in the best interests of the children." *In re Gonzales/Martinez Minors*, ___ Mich App at ___; slip op at 4.

With regard to respondent-father, the evidence showed that he had no bond with the child. Indeed, there is no evidence that he ever even met the minor child, despite opportunities to do so. The record evidence also established that he did not want to take the steps to acknowledge her formally as his child. Respondent-father was also homeless and the evidence plainly established that he was unable to provide her with any permanency or stability. Given the record evidence, we cannot conclude that the trial court clearly erred when it found that the termination of Respondent-father's parental rights to the child was in the child's best interests. *Id.* at ___; slip op at 2.

The trial court also did not clearly err when it found that it was in the child's best interests to terminate respondent-mother's parental rights. Although she was compliant with services, respondent-mother showed no improvement in her ability to care for the minor child. During supervised visitation, respondent-mother needed constant instruction and supervision with regard to basic parenting skills, and her inherent cognitive deficiencies prevented her from improving. Therefore, being in her custody was not in the child's best interests. *In re Terry*, 240 Mich App 14, 23; 610 NW2d 563 (2000). Additionally, the child's foster family was able to meet all of her needs, found "joy in caring for her," and were willing and able to adopt her. She was developing appropriately in foster care and had an appropriate attachment to her foster parents.

To the extent that respondents argue that the Department did not make reasonable efforts at reunification, they have abandoned that argument by failing to adequately argue and support that claim of error on appeal. *Gentris v State Farm Mut Auto Ins Co*, 297 Mich App 354, 366-367; 824 NW2d 609 (2012). In any event, the Department did not have an obligation to provide them with services because termination was the Department's goal. *In re Moss*, 301 Mich App at 91.

The trial court did not clearly err when it found that the Department had established by clear and convincing evidence at least one ground in support of terminating both respondents' parental rights and did not clearly err when it found that termination of their parental rights was in the child's best interests.

Affirmed.

/s/ Michael J. Kelly
/s/ Christopher M. Murray
/s/ Douglas B. Shapiro