

STATE OF MICHIGAN
COURT OF APPEALS

In re DORNBUSH, Minors.

UNPUBLISHED
December 8, 2015

Nos. 327951; 327952
Kent Circuit Court
Family Division
LC Nos. 14-050621-NA
14-050622-NA
14-053266-NA

Before: RONAYNE KRAUSE, P.J., and MARKEY and M. J. KELLY, JJ.

PER CURIAM.

In Docket No. 327951, respondent mother appeals as of right the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) (conditions that led to the adjudication continue to exist), (g) (failure to provide proper care and custody), and (j) (children will be harmed if returned to parents). In docket no. 327952, respondent father appeals as of right the same order terminating his parental rights on the same grounds. We affirm.

Respondents challenge the trial court's findings regarding the statutory grounds for termination. To terminate parental rights, a trial court must find the existence of a statutory ground for termination in MCL 712A.19b has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). A trial court's factual findings in terminating parental rights, including a finding that a ground for termination has been established and that termination is in a child's best interests, are reviewed for clear error. MCR 3.977(K); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

As an initial matter, respondent mother argues that her parental rights were improperly terminated solely because of her continued involvement with and failure to separate from respondent father. Respondent mother argues that the trial court's termination of her rights was against public policy because the trial court placed her in a situation where she either had to choose to separate from respondent father or lose her children. Not only is this argument abandoned because respondent mother provides no authority for her position, *Houghton v Keller*, 256 Mich App 336, 339-340; 662 NW2d 854 (2003), it is entirely incorrect. Mother's rights were not terminated solely because she would not separate from respondent father, as discussed below.

With respect to MCL 712A.19b(3)(g), a trial court may rely on a respondent's history of failing to provide care and custody in finding that there was no reasonable expectation that the respondent would be able to provide proper care and custody within a reasonable time. *In re Archer*, 277 Mich App 71, 75-76; 744 NW2d 1 (2007). Here, the evidence showed that respondents struggled to apply appropriate parenting techniques during parenting times; they failed to consistently participate in counseling; they failed to address their drug abuse, missed required drug screens and the home they shared was not safe for the minor children. Additionally, neither respondent showed a steady income; rather, they relied on respondent father's parents for support. Respondent mother was found by the court to be using marijuana while breast-feeding one of the children. Respondent father was convicted of fourth-degree child abuse for abusing one of the minor children. Despite that conviction, respondent father denied responsibility for his abuse, and respondent mother minimized the significance of respondent father's behaviors. Further, given the minor children's ages, the amount of time they had already spent in foster care, the amount of time they would have to wait for respondents, and the lack of any testimony guaranteeing that respondents would succeed, the trial court did not clearly err in finding that there was no reasonable expectation that respondents would be able to provide proper care and custody within a reasonable time considering the children's ages. The trial court did not clearly err in finding a statutory ground for termination under MCL 712A.19b(3)(g). MCR 3.977(K); *Trejo Minors*, 462 Mich at 356-357.

Because only one statutory ground for termination must be established, *Trejo Minors*, 462 Mich at 360, and we affirm termination under (g), we do not address MCL 712A.19b(3)(c)(i) or (j).

Additionally, while respondents do not challenge the trial court's best-interest determination, the trial court properly considered respondents' history and the minor children's need for permanency, stability, and finality in finding that termination was in the children's best interests. *In re Olive/Metts Minors*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012); *In re Jones*, 286 Mich App 126, 131; 777 NW2d 728 (2009). We find no clear error in the trial court's best-interest determination. MCR 3.977(K); *Trejo Minors*, 462 Mich at 356-357.

Affirmed.

/s/ Amy Ronayne Krause

/s/ Jane E. Markey

/s/ Michael J. Kelly