

STATE OF MICHIGAN
COURT OF APPEALS

In re T. L. GOINS, Minor.

UNPUBLISHED
December 22, 2016

No. 333129
Kalamazoo Circuit Court
Family Division
LC No. 2014-000367-NA

Before: BORRELLO, P.J., and SAWYER and MARKEY, JJ.

PER CURIAM.

Respondent-mother appeals as of right the April 22, 2016 order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) (conditions of adjudication continue to exist), (g) (failure to provide proper care and custody), and (j) (reasonable likelihood that child will be harmed if returned to parent). We affirm.

The Department of Health and Human Services (DHHS)¹ became involved with mother and the minor child after receiving multiple complaints that mother was not properly supervising him. The DHHS referred mother to services to address her parenting abilities. Shortly thereafter, she was expelled from a homeless shelter because of her aggressive behavior. The trial court ordered the minor child to be removed from mother's care on October 3, 2014, but mother absconded with him. The child was removed six days later, and he was eventually placed with a foster parent who was willing and able to provide him with proper care and custody, and address the child's developmental issues. Throughout the proceedings, mother failed to obtain stable housing, and she repeatedly engaged in aggressive behavior. She threatened caseworkers on numerous instances. Her behavior resulted in her being banned from the DHHS's premises and her visits with the minor child being suspended from June 2015 until February 2016. The trial court terminated her rights to the child on April 22, 2016.²

¹ Formerly, the Department of Human Services and the Department of Community Health were separate. The Department of Human Services initiated this matter. Because the departments are now one, we will refer to the department as "DHHS."

² The trial court also terminated the father's rights to the child on that day. Father is not a party to this appeal.

“In order to terminate parental rights, the trial court must find by clear and convincing evidence that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met.” *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011). This Court reviews the trial court’s determination of statutory grounds for clear error. *Id.*; MCR 3.977(K).

Termination of parental rights is proper under MCL 712A.19b(3)(g) where “[t]he parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child’s age.”

Mother’s anger, her aggression, and her inability to control her behavior were endemic throughout the proceedings. She was expelled from homeless shelters multiple times because of engaging in altercations. She repeatedly threatened and verbally assaulted caseworkers, resulting in suspension of her visits and being barred from the DHHS’s premises. Even as late in the proceedings as April 13, 2016, mother swore and yelled at a caseworker. Her inability to control her anger clearly prevented her from providing the child with proper care and custody. Further, there was no reasonable likelihood that she would rectify her behavior within a reasonable time. The DHHS offered mother multiple services to address the problem, but her participation was inconsistent and she showed no benefit. Mother refused to acknowledge her anger issue, and blamed her problems on other people.

Additionally, mother’s lack of stable housing prevented her from providing the child with proper care and custody. From the time of removal until termination, mother was without stable housing. She lived at various times with friends and family, at homeless shelters, and in a hotel. She was expelled from homeless shelters three times because of her behavior. Evidence supports a finding that she would not rectify this problem within a reasonable time. She refused to participate in the housing assistance to which the DHHS referred her. Although mother testified at the termination hearing that she was on a waiting list for housing, she also testified that she would be unable to obtain housing until December 2016. For the above reasons, the trial court did not clearly err in finding that termination was proper under MCL 712A.19b(3)(g). *In re BZ*, 264 Mich App 286, 296-297; 690 NW2d 505 (2004). If this Court concludes that the trial court did not clearly err in finding one statutory ground for termination, we need not address the additional grounds. *In re HRC*, 286 Mich App 444, 461; 781 NW2d 105 (2009).

“Once a statutory ground for termination has been proven, the trial court must find that termination is in the child’s best interests before it can terminate parental rights.” *In re Olive/Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012). We review a trial court’s decision regarding best interests for clear error. *Id.* 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 may consider such factors as “the child’s bond to the parent, the parent’s parenting ability, the child’s need for permanency, stability, and finality, and the advantages of a foster home over the parent’s home[.]” *In re Olive/Metts*, 297 Mich App at 41-42 (citations omitted).

When the minor child was removed, his development was severely delayed. Although four years old, he was unable to speak and not toilet trained. Evidence indicates that his delays were at least in part a result of mother’s neglect of him. Mother refused to acknowledge her role in causing his delayed development, and she failed to recognize his needs. In contrast, his

development improved significantly when he was in foster care. Although there is evidence of a bond between mother and the minor child, it was evidently weak. After her visits were suspended in July 2015 because of her aggressive behavior, she neglected to take measures to rectify the behavior that led to the suspension. Not only did she fail to rectify her behavior, she blatantly engaged in an online illegal drug transaction, and she failed to participate in numerous drug screens to which the DHHS had referred her. It was not until February 2016 that she began to have legal visitation with the child again. The weak bond between mother and the minor child supported the trial court's finding that termination was in his best interests. See *In re Olive/Metts*, 297 Mich App at 41-42. Mother argues that she engaged in parenting classes and counseling. Nonetheless, she failed to participate in numerous services to which she was referred, and she did not benefit from services. Mother argues that she took steps to address her issues with psychological medication with a doctor. However, mother had the entire duration of the proceedings to do that, and she did not. She also argues that she was on a waiting list for housing at the time of termination. But she testified that she would not be eligible for housing until December 2016. We see no clear error in the trial court's finding that termination was in the child's best interests. *In re BZ*, 264 Mich App at 296.

Affirmed.

/s/ Stephen L. Borrello

/s/ David H. Sawyer

/s/ Jane E. Markey