

STATE OF MICHIGAN
COURT OF APPEALS

In re KURZ, Minors.

UNPUBLISHED
October 17, 2017

No. 338097
Dickinson Circuit Court
Family Division
LC No. 16-000512-NA

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

PER CURIAM.

Respondent-mother appeals as of right the trial court’s order terminating her parental rights to her two children pursuant to MCL 712A.19b(3)(g) and (j). We affirm.

In her sole issue on appeal, respondent argues that the trial court erred in finding that termination of her parental rights was in the children’s best interests.

“If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child’s best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made.” MCL 712A.19b(5). Whether termination of parental rights is in a child’s best interests is determined by a preponderance of the evidence. *In re White*, 303 Mich App 701, 713; 846 NW2d 61 (2014). We review for clear error the trial court’s determination whether termination of parental rights is in a child’s best interests. *In re Payne/Pumphrey/Fortson*, 311 Mich App 49, 63; 874 NW2d 205 (2015).

In determining whether termination of parental rights is in a child’s best interests, a court may consider several factors, including “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 35, 41-42; 823 NW2d 144 (2012) (citations omitted). A court may also consider whether it is likely “that the child could be returned to her parents’ home within the foreseeable future, if at all.” *In re Frey*, 297 Mich App 242, 248-249; 824 NW2d 569 (2012).

Here, the trial court weighed several relevant factors in deciding whether termination of respondent’s parental rights was in the children’s best interests. The court observed that respondent had been involved in prior child protection proceedings in 2005-2006 and 2013-2014. Her progress since the latter proceeding had been poor. She continued to use illegal drugs and was arrested in October 2016. The circumstances of her arrest involved her operation of a

vehicle while speeding and repeatedly swerving over the fog line while in possession of several controlled substances and paraphernalia, and while her child was in the car with her. Respondent had also supplied Suboxone strips to others while she was in jail, and she faced the possibility of future incarceration. With respect to respondent's ability to care for the children, the court noted that respondent had not maintained housing or employment. The court was also concerned about respondent's lack of ability or willingness to take her child to a scheduled medical appointment.

In light of the foregoing, the trial court's best-interest determination is not clearly erroneous. Respondent focuses on her bond with her children and the emotional turmoil that termination would cause them. However, the trial court fully discussed these considerations and, although finding them to be valid, concluded that they were outweighed by other factors. Respondent largely ignores the testimony from witnesses about the children's immediate needs for stability and the destabilizing effect that respondent's continued involvement with them will have on their progress. And while respondent complains that no one reached out to her to discuss the children's therapy, she made no effort to reach out to the treatment providers. In the end, the trial court's decision reflects a conscientious effort to choose the best course among several unsatisfactory options. We are persuaded that the trial court did not clearly err in finding that termination of respondent's parental rights was in the children's best interests.

Affirmed.

/s/ Christopher M. Murray
/s/ David H. Sawyer
/s/ Jane E. Markey