

STATE OF MICHIGAN  
COURT OF APPEALS

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*In re* PRICE, Minors.

UNPUBLISHED  
February 15, 2018

No. 339752  
Muskegon Circuit Court  
Family Division  
LC No. 16-001828-NA

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Before: MARKEY, P.J., and M. J. KELLY and CAMERON, JJ.

PER CURIAM.

Respondent-father appeals by right the trial court's order terminating his parental rights to his minor children, BP and HP, under MCL 712A.19b(3)(c)(i) and (g).<sup>1, 2</sup> We affirm.

The Department of Health and Human Services (DHHS) petitioned the trial court for removal of the children after BP was found wandering the neighborhood streets unsupervised late in the evening. Father was found at home highly intoxicated. There was a lack of proper sleeping arrangements for the children in the home at the time. Father was arrested and charged with contributing to the delinquency of a minor.

Father only appeals the trial court's finding that termination was in the children's best interests. Father does not challenge the statutory grounds for termination. Therefore, we may presume that the trial court did not clearly err in finding that the unchallenged statutory grounds were established by clear and convincing evidence. *In re JS & SM*, 231 Mich App 92, 98-99; 585 NW2d 326 (1998), overruled on other grounds *In re Trejo Minors*, 462 Mich 341, 353; 612 NW2d 407 (2000).

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<sup>1</sup> The children's mother was also a respondent to the case, but she voluntarily released her parental rights to the children. Mother is not a party to this appeal.

<sup>2</sup> The Department of Health and Human Services sought termination under MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). The trial court did not state on the record, or in its order, which specific provisions under which it was terminating father's parental rights. However, the trial court's language on the record indicates that it only terminated father's parental rights under MCL 712A.19b(3)(c)(i) and (g).

The trial court must find by a preponderance of the evidence that termination was in the children's best interests. *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). The trial court's findings of fact are reviewed for clear error. *In re HRC*, 286 Mich App 444, 459; 781 NW2d 105 (2009). "A finding is 'clearly erroneous' if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made." *Id.*

"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). In determining a child's best interests, the trial court may consider the child's bond to his parent; the parent's parenting ability; the child's need for permanency, stability, and finality; and the suitability of alternative homes. *In re Olive/Metts* 297 Mich App 35, 41-42; 823 NW2d 144 (2012). "The trial court may also consider a parent's history of domestic violence, the parent's compliance with his or her case service plan, the parent's visitation history with the child, the children's well-being while in care, and the possibility of adoption." *In re White*, 303 Mich App 701, 714; 846 NW2d 61 (2014). The trial court may also consider a parent's substance abuse problems and willingness to participate in counseling. *In re AH*, 245 Mich App 77, 89; 627 NW2d 33 (2001).

Father's housing was sporadic at best. Throughout the case he lived with his mother, lived in his vehicle, lived at a shelter, lived with a woman he met online, rented a single bedroom in a house, and was incarcerated. Father admitted that the only stable housing he had throughout the case was in the Muskegon County Jail. As of the date of the termination hearing, the DHHS caseworker did not know where father was living because father refused to provide that information. Also, father was arrested for multiple alcohol-related offenses during the case proceedings. Despite these issues, father refused to recognize his problems with alcohol abuse.

In making its best-interest determination, the trial court considered the suitability of alternative homes, the children's well-being while in care, and the possibility of adoption. It concluded, "These children are in a stable placement where they have the opportunity to be adopted and to continue to thrive with the only family that they have really legitimately known for some reasonably long period of their short lives." At the time of termination, the children's foster parents were willing to adopt both children. The trial court also considered father's substance abuse problems and willingness to participate in counseling when it stated, "If you think that that is the right road to being able to establish yourself as a responsible and capable parent, you're way wrong. . . . If you don't think that alcohol is a problem in your life, you are fooling yourself." Considering father's ongoing problems with housing and substance abuse, the

trial court properly concluded that any chance of finality, stability, and permanency with father was highly unlikely. We are not left with a “definite and firm conviction that a mistake has been made,” *In re HRC*, 286 Mich App at 459, in the trial court’s finding that termination of father’s parental rights was in the best interests of the children.

Affirmed.

/s/ Jane E. Markey

/s/ Michael J. Kelly

/s/ Thomas C. Cameron