

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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*In re* WALKER, Minor.

UNPUBLISHED  
June 17, 2021

No. 355104  
Kent Circuit Court  
Family Division  
LC No. 18-051925-NA

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Before: BOONSTRA, P.J., and MARKEY and SERVITTO, JJ.

PER CURIAM.

Respondent-father appeals by right the trial court’s order terminating his parental rights to his young son under MCL 712A.19b(3)(c)(i) (conditions of adjudication continue to exist) and MCL 712A.19b(3)(g) (failure to provide proper care or custody). Respondent argues on appeal that the trial court clearly erred by finding that there existed clear and convincing evidence supporting the statutory grounds for termination and by ruling that termination was in the child’s best interests. We affirm.

In *In re Mota*, \_\_ Mich App \_\_, \_\_; \_\_ NW2d \_\_ (2020); slip op at 10-11, this Court set forth the following framework for appeals challenging the statutory grounds for termination and the best-interests determination:

If a trial court finds that a single statutory ground for termination has been established by clear and convincing evidence and that it has been proved by a preponderance of the evidence that termination of parental rights is in the best interests of a child, the court is mandated to terminate a respondent’s parental rights to that child. This Court reviews for clear error the trial court’s ruling that a statutory ground for termination has been established and its ruling that termination is in the children’s best interests. A finding is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed. When applying the clear error standard in parental termination cases, regard is to be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it. [Quotation marks, citations, brackets, and ellipses omitted.]

The trial court terminated respondent’s parental rights to the child pursuant to MCL 712A.19b(3)(c)(i) and (g), which provide as follows:

(3) The court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, 1 or more of the following:

\* \* \*

(c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the following:

(i) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

\* \* \*

(g) The parent, although, in the court's discretion, financially able to do so, 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.

The record demonstrated that respondent, who has an extensive criminal history, had poor communication skills, lacked emotional stability, used vulgar language, was deceptive, yelled, and was aggressive when dealing with caseworkers, failed to complete an anger management class as directed, finished only one of his parenting classes, did not either participate in, complete, or benefit from other services under his treatment plan, had a chronic alcohol problem, missed numerous parenting-time visits, showed up at some visitations after having consumed alcohol as indicated by breathalyzer tests, regularly tested positive for marijuana use, and refused to participate in at-home drug screens. The record also revealed that respondent had extremely poor parenting skills. He had difficulty diapering the child, he purchased adult diapers for his son, and he would forget to feed the child. At one visitation, respondent almost fell over while holding the child due to his alcohol consumption.

There was ultimately no meaningful change for the better during the course of the proceedings despite extensive reunification services offered by petitioner, including having a guardian ad litem appointed to assist respondent because of concerns regarding whether he fully understood his case treatment plan. See *In re Williams*, 286 Mich App 253, 272; 779 NW2d 286 (2009) ("the totality of the evidence amply supports that [the respondent] had not accomplished any meaningful change"). The conditions that led to the adjudication persisted and there was no reasonable likelihood that the conditions would be rectified within a reasonable time considering the child's age. MCL 712A.19b(3)(c)(i); *In re White*, 303 Mich App 701, 711; 846 NW2d 61 (2014) (this statutory ground is established when the conditions that brought a child into foster care continue to exist despite time to make changes and the opportunity to take advantage of services). Furthermore, respondent failed to provide proper care or custody for the child and there was no reasonable expectation that respondent would be able to provide proper care and custody within a reasonable time considering the child's age. MCL 712A.19b(3)(g). Defendant's attempt to blame Covid-19 and the pandemic for his own shortcomings in completing services is

unavailing. We conclude that the trial court did not clearly err by finding that there existed clear and convincing evidence supporting the statutory grounds for termination.

With respect to a child's best interests, we place our focus on the child rather than the parent. *In re Moss*, 301 Mich App 76, 87; 836 NW2d 182 (2013). In assessing a child's best interests, a trial court may consider such factors as a "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 Minors*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012) (citations omitted). "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 at 714.

The caseworkers consistently testified that the child was doing well with his foster family and that they were attending to all of the child's needs. Moreover, there was no real bond between respondent and the child, and the child often displayed signs of anxiety and cried after visits with respondent. Additionally, all of the reasons cited earlier in support of the statutory grounds for termination, including the missed parenting-time, are equally indicative that termination of respondent's parental rights was in the child's best interests. We conclude that the trial court did not clearly err by finding that termination was in the best interests of the child.

We affirm.

/s/ Mark T. Boonstra  
/s/ Jane E. Markey  
/s/ Deborah A. Servitto