

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
July 21, 2011

In the Matter of K. T. MEDLOCK, Minor.

No. 301767
Wayne Circuit Court
Family Division
LC No. 05-445925

Before: MURRAY, P.J., and FITZGERALD and RONAYNE KRAUSE, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

In child protection proceedings, this Court must defer to the trial court's factual findings if those findings do not constitute clear error. MCR 3.977(K). Both the trial court's decision that a ground for termination has been proven by clear and convincing evidence and the best interests determination are reviewed for clear error. *In re Rood*, 483 Mich 73, 90-91; 763 NW2d 587 (2009).

The trial court did not err in finding MCL 712A.19b(3)(g) and (j) were established by clear and convincing evidence, as the record evidence supports the trial court's findings. Specifically, respondent did not have stable housing or employment and had unresolved substance abuse issues. He made no progress in these areas despite the almost three years from when he was recognized as the child's legal father until his parental rights were terminated. The facts also support a finding that respondent failed to understand that his inability to stay alcohol free signified a substance abuse problem, and he did not follow through on a substance abuse referral. Although there was no fear that respondent would himself physically harm the child, harm was likely to befall the child in his father's care given respondent's alcohol use and lack of a safe and appropriate home or the means to obtain one. The appropriateness of respondent's interactions with his son during supervised visits did not insure the child's safety in respondent's care. Further, although petitioner's efforts toward reunification of respondent with the child

were not overwhelming, we find that they were reasonable and adequate. MCL 712A.18f(1), (4); *In re Newman*, 189 Mich App 61, 67-68, 70; 472 NW2d 38 (1991).¹

The trial court also did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5). The child was three years old at the time of the termination hearing and had been in foster care since he was seven days old. Respondent made very little progress toward reunification in almost three years and went months without seeing his son. Therefore, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests.

Affirmed.

/s/ Christopher M. Murray
/s/ E. Thomas Fitzgerald
/s/ Amy Ronayne Krause

¹ Because only one proper ground for termination need exist, our upholding termination under MCL 712A.19b(3)(g) and (j) means we do not need to consider the propriety of termination under MCL 712A.19b(3)(c)(i).