

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
March 15, 2012

In the Matter of KRUPA, Minors.

No. 302834
Ingham Circuit Court
Family Division
LC Nos. 08-001600-NA
08-001601-NA

ON REMAND

Before: SHAPIRO, P.J., and WILDER and MURRAY, JJ.

PER CURIAM.

Respondent-father appeals as of right from a circuit court order terminating his parental rights to the two minor children pursuant to MCL 712A.19b(3)(c)(i),¹ (g),² and (j).³ This case is before us on remand from the Supreme Court, which held that the statutory grounds for termination of respondent's parental rights were proved by clear and convincing evidence. *In re Krupa*, 490 Mich 1004; 807 NW2d 708 (2012). The only issue on remand is whether the trial court erred in determining that termination of parental rights was in the best interests of the children. *Id.*; MCL 712A.19b(5). We affirm because the trial court did not clearly err in finding that the children's best interests would be served by the termination of respondent's parental rights.

We review the trial court's decision regarding children's best interests for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). "A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court's special opportunity to observe the witnesses." *In re BZ*, 264 Mich App 286, 296-297 (2004).

¹ Conditions that led to the adjudication continue to exist.

² Unable to provide proper care and custody.

³ Child is reasonably likely to be harmed if returned to the parent's home.

The trial court did not clearly err in this case. The trial court found that respondent's living conditions had deteriorated, in spite of help from Intensive Neglect Services, and posed a threat to the children's health. He failed to timely enroll his children in school or follow up with medical appointments, and allowed the children to be supervised by an unapproved care provider. The court further found that multiple removals had significantly affected the children's emotional wellbeing, and that their bond with respondent had been diminished due to spending so little time with him. Termination of respondent's rights will provide the children with a chance to find a stable custodial environment. Given respondent's repeated and ongoing issues, "[t]he court did not clearly err by refusing to further delay permanency for the children." *Trejo*, 462 Mich at 364.

Affirmed.

/s/ Douglas B. Shapiro
/s/ Kurtis T. Wilder
/s/ Christopher M. Murray