

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
September 22, 2011

In the Matter of C. YOUNG, Minor.

No. 303450
Cheboygan Circuit Court
Family Division
LC No. 10-008034-NA

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

PER CURIAM.

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

This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 3.977(K); *In re Trejo Minors*, 462 Mich 341, 356; 612 NW2d 407 (2000). As noted, respondent's parental rights were terminated pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j), which provides:

(3) [t]he 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 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.

(ii) Other conditions exist that cause the child to come within the court's jurisdiction, the parent has received recommendations to rectify those conditions, the conditions have not been rectified by the parent after the parent has received notice and a hearing and has been given a reasonable opportunity to rectify the conditions, and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

* * *

(g) The parent, without regard to intent, 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.

* * *

(j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

The primary condition that caused the removal of the minor child from respondent's care was his mental instability. Later, it became apparent that respondent continued to abuse alcohol and marijuana, was unable to maintain suitable housing, and failed to regularly attend parenting time. Respondent was offered a multitude of services, but he refused to participate in many of the offered services. Respondent failed to submit to a substance abuse assessment, refused to provide any drug screens, failed to attend parenting time, and declined the offer to participate in parent-child observations. With respect to other services, respondent participated but failed to benefit. For example, respondent attended his medication reviews; however, he failed to consistently take the psychotropic medications that were prescribed. Indeed, at the time of the termination hearing, and against medical advice, respondent was not taking his medications. This was a consistent pattern in at least the two years preceding the termination of respondent's parental rights. As a consequence, respondent's mental health remained unstable. He had several inpatient psychiatric admissions while his daughter was in his care. However, even when the termination hearing began, respondent was noted to exhibit bizarre and irrational behavior. In addition to his mental instability, respondent simply refused to even attempt to address his substance abuse issues, and he failed to obtain and maintain suitable housing.

It was readily apparent that respondent had not made any meaningful progress toward removing the barriers to reunification. He could not demonstrate that he possessed the ability to adequately and appropriately care for his child. Moreover, based upon respondent's history and his pattern of noncompliance with his medical regimen, it was unlikely that he would be in a position to parent his child within the foreseeable future. Consequently, the trial court did not err when it found that the evidence established the statutory grounds for termination of respondent's parental rights.

In a cursory fashion, respondent suggests that he was denied his statutory right to participate in reunification services or, at least, "additional services." Petitioner must make reasonable efforts to promote reunification and to avoid termination of parental rights. MCL 712A.18f. However, petitioner need only offer reasonable services, and it has no duty to provide every conceivable service. *In re LE*, 278 Mich App 1, 18; 747 NW2d 883 (2008). To successfully claim a lack of reasonable efforts, a respondent must establish that he would have fared better if the petitioner had offered other services. *In re Fried*, 266 Mich App 535, 543; 702 NW2d 192 (2005). After reviewing the record, we conclude that the trial court did not clearly err when it found that reasonable efforts at reunification had been made and respondent either

failed to participate or to benefit from services. In any event, respondent has not identified what additional services he should have been provided or how the outcome would have changed had he been offered alternative services.

Respondent's final argument is that the trial court relied upon "one minimally informed source" when it reached its conclusion that termination of respondent's parental rights would be in the child's best interests. Contrary to respondent's assertions, the trial court considered the totality of the evidence and determined that respondent was unable to safely parent his child and would be unable to do so within a reasonable time considering her age. The court then concluded that termination of parental rights was in the child's best interests because then she could eventually achieve the permanency and stability necessary to foster her continued growth and development. Therefore, the trial court did not err in finding that termination of respondent's parental rights was in the child's best interests or in terminating his parental rights. MCL 712A.19b(5).

Affirmed.

/s/ Douglas B. Shapiro

/s/ Kurtis T. Wilder

/s/ Christopher M. Murray