

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
May 23, 2013

In the Matter of D. L. JENTINK-MALESKI,
Minor.

No. 313265
Kent Circuit Court
Family Division
LC No. 10-052563-NA

Before: SERVITTO, P.J., and WHITBECK and SHAPIRO, JJ.

PER CURIAM.

Respondent mother appeals as of right the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm because termination is in the child's best interests.

In this case, the minor child was removed based on allegations of domestic violence between respondent and her partner, as well as abuse by respondent against the child's older brother. In July 2010, about three or four weeks before the filing of the petition, respondent punched the older brother in the nose, causing it to bleed. On or about July 21, 2010, respondent was upset with the older brother, pushed him three to four feet into a kitchen cupboard, and caused a bruise to the left side of his face. She also slapped him several times and scratched his arm.

After trial, the trial court found that respondent continued to minimize the abuse, and shifted blame to the brother's personality. It found that her plan for the minor child "is essentially to hope that he's a good kid who isn't going to tick her off" like his older brother. Respondent attended a number of services, but failed to benefit sufficiently from them, believing that she would not have problems with the minor child because he was a better child than the older brother. The court was also concerned about the nature of respondent's relationship with her current boyfriend.

On appeal, respondent does not challenge the trial court's finding that the statutory grounds for termination were established by clear and convincing evidence, but argues that the termination was not in the child's best interests. "Once a statutory ground for termination has been proven, the trial court must find that termination is in the child's best interests before it can terminate parental rights." *In re Olive/Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012); MCL 712A.19b(5). A child's need for stability and permanency may be considered in determining best interests. *In re VanDalen*, 293 Mich App 120, 141; 809 NW2d 412 (2011).

In this case, the child was thriving in foster care. He had been in foster care for 27 months, more than half his life, while waiting for respondent to address the barriers to reunification. Despite her participation in services, respondent showed no indication that she would ever, and certainly not within a reasonable time, be able to have the child in her care without also putting him at risk of physical abuse or other harm. Moreover, while there was some bond between respondent and the child, other considerations can outweigh the bond between a parent and a child. See *In re LE*, 278 Mich App 1, 29-30; 747 NW2d 883 (2008). In this case, because respondent failed to internalize what she learned through services, the child could not be returned to her without also putting him at a risk for harm, and the child needed permanency and stability. On this record, the trial court did not clearly err when it found termination was in the best interests of the children. MCL 712A.19b(5).

Affirmed.

/s/ Deborah A. Servitto
/s/ William C Whitbeck
/s/ Douglas B. Shapiro