

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
August 20, 2013

In The Matter of C. M. HECKERT, Minor.

No. 314324; 314325
Oakland Circuit Court
Family Division
LC No. 11-786088-NA

Before: BOONSTRA, P.J., and SAWYER and MURRAY, JJ.

PER CURIAM.

In these consolidated appeals, respondent mother appeals as of right from an order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) and (g). Respondent father appeals as of right from the same order, which terminated his parental rights to the child pursuant to these same provisions as well as subsection (c)(ii). We affirm.

I. FACTUAL BACKGROUND

On June 29, 2011, the child was removed from respondents' care by the Pontiac police department and placed with his maternal grandmother. The court subsequently authorized a petition alleging that the child was discovered in a filthy home and that respondents were homeless. Both respondents subsequently pleaded no contest to the petition and the court assumed jurisdiction over the child. At disposition, the court adopted a Parent-Agency Agreement requiring respondents to participate in various services. On July 9, 2012, a termination petition was filed, alleging that both respondents failed to participate in various services offered and that, additionally, respondent father was currently incarcerated for domestic violence against respondent mother. After a hearing, the court entered an order terminating respondents' parental rights.

II. STANDARD OF REVIEW

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights if the court also finds that termination of parental rights is in the best interests of the child. MCL 712A.19b(5). Whether termination of parental rights is

in the best interests of the child must be proven by a preponderance of the evidence. *In re Moss Minors*, ___ Mich App ___; ___ NW2d ___ (issued May 9, 2013, Docket No. 311610). The trial court's decision is reviewed for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). A decision is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake was made. *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010).

III. ANALYSIS

Respondent father argues that the trial court erred in finding the statutory grounds established by clear and convincing evidence. We disagree.

The conditions that led to the adjudication were an unfit home environment for the child and instability in housing. The evidence established that respondent father still had no housing of his own at the time of the termination hearing although the child was in care for a lengthy period of time. While this matter was pending, respondent father was evicted from rental housing, resided with a friend, and resided in jail for several months on domestic violence charges against respondent mother. He failed to follow through with referrals to address his domestic violence. Respondent father failed to provide proper care and custody when he permitted his child to be in a filthy environment and apparently neglected. Respondent father had only recently started to work on his treatment plan developed to rectify the issues that led to that situation. Respondent's recent psychological evaluation revealed there was a risk of harm to the child if returned to his care and the foster care worker opined that he would not be able to provide proper parenting for his child in the near future.

Given these circumstances, the trial court did not clearly err in finding that MCL 712A.19b(3)(c)(i), (c)(ii), and (g) were established by clear and convincing evidence with respect to respondent father. Moreover, contrary to respondent father's claim, our review of the record indicates that DHS made reasonable reunification efforts. *Mason*, 486 Mich at 152; *In re Frey*, 297 Mich App 242, 247; 824 NW2d 569 (2012); MCL 712A.19a(2).

Both respondents contend that the trial court erred in concluding that termination was in the child's best interests. We disagree. In deciding a child's best interests, a court may consider the child's bond to his parent; the parent's parenting ability; the child's need for permanency, stability, and finality; and the suitability of alternative homes. *In re Olive/Metts*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012).

In this case, the evidence established that respondent mother failed to fully resolve her substance abuse issue and failed to benefit from parenting classes or domestic violence classes. Respondent mother had no means of financially supporting her child and was highly dependent on others. Respondent father had not established any stability in his housing situation, had not followed through on addressing domestic violence, and had just begun to work on his treatment plan meant to ensure the child could be safely returned to him. The foster care worker felt that neither respondent would be able to provide proper parenting in the near future. Both respondents had a psychological evaluation, and the evaluator concluded that the child would be at risk of harm if placed with either respondent. The child was not bonded with either respondent, was young, and had been in care for a lengthy period of time.

Given all this evidence, the trial court did not clearly err in concluding that termination of both respondents' parental rights was in the child's best interests.

Affirmed.

/s/ Mark T. Boonstra

/s/ David H. Sawyer

/s/ Christopher M. Murray