

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KIRSTEN ERIN GREEN, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DAVID ALLEN GREEN,

Respondent-Appellant,

and

SAMANTHA ADELL MICHAEL,

Respondent.

UNPUBLISHED

June 19, 2007

No. 275131

Branch Circuit Court

Family Division

LC No. 06-003375-NA

In the Matter of KIRSTEN ERIN GREEN, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SAMANTHA ADELL MICHAEL,

Respondent-Appellant,

and

DAVID ALLEN GREEN,

Respondent.

No. 275187

Branch Circuit Court

Family Division

LC No. 06-003375-NA

Before: Kelly, P.J., and Markey and Smolenski, JJ.

PER CURIAM.

Respondents appeal as of right the trial court's order terminating their parental rights to their minor child under MCL 712A.19b(3)(c)(i), (g) and (i). We affirm.

Respondent father first challenges the trial court's finding of jurisdiction. At the time the lower court found jurisdiction over the child, respondent father was not the legal father, and therefore, not an interested party. Nonetheless, respondent mother's attorney agreed that her admissions on the record were sufficient grounds for the trial court to have jurisdiction under MCL 712A.2(b)(1). Respondent mother admitted that she and respondent father were unemployed, they had recently moved into someone else's trailer with four other adults and their belongings were still in totes, and they planned to share an 8-foot-by-8-foot bedroom with the baby. We agree that, based on these admissions, there were sufficient grounds for the trial court to assert jurisdiction.

Respondents both contend that the grounds for termination were not proven by clear and convincing evidence. We review the trial court's findings of fact in termination proceedings for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). 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 a ground for termination is established, the court must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000).

Although the trial court found sufficient evidence under MCL 712A.19b(3)(i), our review of the lower court record reveals that there was limited evidence about the circumstances of the prior terminations. Accordingly, this statutory ground was not demonstrated by clear and convincing evidence.

Nonetheless, there was clear and convincing evidence to satisfy MCL 712A.19b(3)(g), that respondents failed to provide proper care or custody for the child and there is no reasonable expectation that they will be able to do so within a reasonable time considering the child's age. Respondent mother cared for the child alone during the day for a couple months, but she never demonstrated that she could meet her child's needs independently. Respondents had just two weeks before trial obtained independent housing after spending several years living with friends, and it was unlikely they could financially maintain that housing. Respondent father depended almost entirely on respondent mother's income. Respondent mother admitted she did not know whether her income could pay their bills. They had no savings and had received assistance for move-in expenses. Respondent mother's paycheck barely covered the next month's rent when it was due. There was clear and convincing evidence under MCL 712A.19b(3)(g).

There was also clear and convincing evidence under MCL 712A.19b(3)(c)(i). The conditions that led to adjudication were that respondent mother was not providing the newborn child with safe and stable housing. Although respondents had managed to live in an apartment for two weeks before trial, there was clear and convincing evidence that there was no reasonable likelihood that the lack of suitable permanent housing would be rectified within a reasonable

time considering the child's age. Respondent mother was the sole source of income and she admitted that she did not know if her income could pay the bills. Neither respondent had any history of or demonstrated any aptitude for fiscal responsibility. The trial court did not err in finding that at least one statutory ground for termination was demonstrated by clear and convincing evidence.

Respondent mother also contends that termination of her parental rights was not in the child's best interests citing her bond with the child. However, despite this bond, respondent mother's failure to demonstrate, considering the age of the child, that she could meet the child's basic needs for financial sustenance and safe permanent housing supported that trial court's conclusion that termination was not clearly against the child's best interests.

Affirmed.

/s/ Kirsten Frank Kelly

/s/ Jane E. Markey

/s/ Michael R. Smolenski