

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of ALEXIS MEYERS and ZACHARY  
TYLER MEYERS, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JEFFREY MEYERS,

Respondent-Appellant,

and

KELLY BATES,

Respondent.

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UNPUBLISHED  
September 1, 2009

No. 290434  
Clinton Circuit Court  
Family Division  
LC No. 07-019841-NA

Before: Owens, P.J., and Talbot and Gleicher, JJ.

PER CURIAM.

Respondent Jeffrey Meyers appeals as of right the circuit court's order terminating his parental rights to the minor children under MCL 712A.19b(3)(b)(i), (c)(i), (g) and (j). We affirm.

In August 2007, petitioner sought temporary custody of involved minor AM by filing a petition that contained several allegations of abuse and neglect: (1) respondent father and the child's mother had shared a volatile relationship over the course of at least four years; the relationship involved physical and verbal abuse by the mother toward respondent father, although respondent father maintained that he only verbally abused the mother, (2) the mother purportedly suffered from bipolar disorder and major depression, with self-mutilation tendencies, (3) in June 2006, the mother had used a piece of glass to cut her arm, but at some point placed the shard of glass against AM's neck, (4) in April 2007, the mother punched AM's hand, (5) in May 2007, the mother "repeatedly kicked her daughter in the back of the head leaving marks," (6) the mother left Michigan, and neither she nor respondent father complied with any offered services, and (7) respondent father visited the mother in Ohio on two occasions, and later drove the mother back to Michigan and allowed her to supervise AM while he worked.

The circuit court exercised jurisdiction over AM on the basis of respondents' limited admissions to the petition's allegations. In August 2008, after ZM's birth, petitioner filed a supplemental petition seeking temporary custody of him. In December 2008, petitioner filed a permanent custody petition requesting termination of respondents' parental rights to both children. The permanent custody petition averred, in relevant part, that (1) respondent father repeatedly had ignored case worker instructions and a court order that he not have contact with the children's mother; among other contacts, respondent father impregnated the mother after entry of the no contact order and was with the mother during her arrest in October 2008, (2) respondent father faced eviction, lacked employment, and had "abruptly stopped attending counseling . . . and court ordered programming," and (3) a psychologist diagnosed respondent father as having "Intermittent Explosive Disorder" and "Dependent Personality Features," with a "guarded" prognosis. At the conclusion of the January 2009 termination hearing, the circuit court found that the evidence warranted termination of respondents' parental rights pursuant to the four statutory grounds therein set forth.

To terminate parental rights, a court must find that the petitioner has proved at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). "If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights . . ." MCL 712A.19b(5). This Court reviews for clear error a circuit court's finding that a ground for termination has been established by clear and convincing evidence "and, where appropriate, the court's decision regarding the child's best interest." *In re Fried*, 266 Mich App 535, 541; 702 NW2d 192 (2005) (internal quotation omitted); see also MCR 3.977(J). Clear error exists when some evidence supports a finding, but a review of the entire record leaves the reviewing court with the definite and firm conviction that the lower court made a mistake. *In re Conley*, 216 Mich App 41, 42; 549 NW2d 353 (1996).

The conditions leading to AM's adjudication consisted of domestic violence between respondent father and the child's mother that resulted in AM enduring physical injury, respondent father's inability to protect AM, and his failure to provide a safe and stable home environment. Between August 2007 and January 2009, respondent father demonstrated no measurable progress or improvement in any of these areas of concern. Respondent father underwent a psychological evaluation, attended some counseling sessions and a parenting course, and availed himself of many parenting times. But he undisputedly failed to follow through in attending counseling or to benefit from it, failed to benefit from parenting classes, and failed to advance beyond supervised parenting times. And on numerous occasions throughout these child protective proceedings, respondent father ignored a court order prohibiting contact with the children's mother, despite the volatile nature of their relationship, and at the time of the termination hearing he had not substantiated employment or stable housing.

Clear and convincing evidence thus established that the conditions leading to the adjudication continued to exist at the time of the termination hearing, with no reasonable likelihood of rectification by respondent father in a reasonable time, given the children's young ages. MCL 712A.19b(3)(c)(i). The clear and convincing evidence establishing respondent father's unwillingness or inability to address or accept responsibility for the issues that led to the children's removal also warranted termination of his parental rights under MCL 712A.19b(3)(g).

Additionally, in light of the evidence documenting respondent father's history of exposing AM to domestic violence, his past failures to protect AM, his failure to address or accept responsibility for his parental shortcomings, and his continued association with the children's mother in violation of a court order, clear and convincing evidence further establishes the existence of a reasonable likelihood that the children would suffer harm if placed in respondent father's custody.<sup>1</sup>

Lastly, the circuit court did not clearly err in finding that termination of respondent father's parental rights served the children's best interests. MCL 712A.19b(5). Over an approximate 18-month period, respondent father had made no progress toward addressing the issues that brought the children into care, and the very young children needed stability to facilitate their continued growth and development.

Affirmed.

/s/ Donald S. Owens  
/s/ Michael J. Talbot  
/s/ Elizabeth L. Gleicher

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<sup>1</sup> Even assuming that the circuit court erred in relying on MCL 712A.19b(3)(b)(i) as a ground for terminating respondent father's parental rights, this error is harmless in light of the other statutory grounds that the circuit court properly invoked in terminating his rights. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).