

STATE OF MICHIGAN  
COURT OF APPEALS

---

UNPUBLISHED  
May 21, 2013

In the Matter of H. A. HUBBARD, Minor.

No. 312334  
Wayne Circuit Court  
Family Division  
LC No. 98-368631-NA

---

Before: STEPHENS, P.J., and SAWYER and METER, JJ.

PER CURIAM.

Respondent D. Beauford appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

I. STANDARDS OF REVIEW

Termination of parental rights requires a finding that at least one of the statutory grounds enumerated in MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010); *In re B and J*, 279 Mich App 12, 18; 756 NW2d 234 (2008). The trial court must then order termination of parental rights if it finds that termination is in the child's best interests. MCL 712A.19b(5). Appellate courts review "for clear error both the trial court's decision that a ground for termination of parental rights has been proved by clear and convincing evidence and, where appropriate, the court's decision regarding the child's best interests." *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003) (citations omitted). "A circuit court's decision to terminate parental rights is clearly erroneous if, although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *Id.* at 209-210 (citations omitted).

II. STATUTORY GROUND FOR TERMINATION

MCL 712A.19b(3)(g) authorizes termination of parental rights if:

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.

The trial court did not clearly err in finding that MCL 712A.19b(3)(g) was established by clear and convincing evidence. Although the child's mother was pregnant with respondent's child,

respondent made himself unavailable as a parent by his continued failure to conform his conduct to the requirements of the law. Respondent could not provide proper custody because he was in prison when the child was born in March 2010, and he left the mother to manage on her own, although she was an unfit custodian due in part to a long history of substance abuse.<sup>1</sup> The trial court gave respondent an opportunity to plan for the child by allowing him to participate in services available in prison pending his expected release on parole in April 2012. Although respondent took advantage of the services available to him, he was not paroled and would not be eligible for parole for another year. By the time of the termination hearing, the child had been in foster care for more than two years and respondent would not be eligible for parole for another eight months. Even if respondent were paroled in April 2013, reunification could not occur until respondent could establish and maintain stable housing and a legal source of income, and establish a close relationship with the child. Considering respondent's past instability and the fact that he had never even met his daughter, the evidence clearly showed that respondent was not reasonably likely to be able to provide proper care and custody within a reasonable time given the child's age. "Having concluded that at least one ground for termination existed, we need not consider the additional grounds upon which the trial court based its decision." *In re H.R.C.*, 286 Mich App 444, 461; 781 NW2d 105 (2009).

### III. BEST INTEREST OF THE CHILD

The trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests, despite the fact that the child had been placed with respondent's sister. *Mason*, 486 Mich at 164. "In deciding whether termination is in the child's best interests, the court may consider the child's bond to the parent, the parent's parenting ability, the child's need for permanency, stability, and finality, and the advantages of a foster home over the parent's home." *In re Olive/Metts Minors*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012) (citations omitted). Respondent had no history of stability in the community, having been in and out of juvenile placement, jail, and prison for more than two decades, and no history of abstaining from drugs for any appreciable length of time except when incarcerated. The child had been in foster care her entire life and had no established relationship or bond with respondent. The child had never met him and their only contact consisted of four or five cards and letters. Therefore, the trial court did not clearly err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Cynthia Diane Stephens  
/s/ David H. Sawyer  
/s/ Patrick M. Meter

---

<sup>1</sup> The parental rights of the child's mother were terminated in December 2010, and that decision was affirmed by this Court. *In re Hubbard*, unpublished opinion per curiam of the Court of Appeals, issued October 13, 2011 (Docket No. 302363).