

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of REINITZ/GARVELINK, Minors.

UNPUBLISHED  
November 14, 2013

No. 313980  
Kent Circuit Court  
Family Division  
LC No. 11-050732-NA

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

PER CURIAM.

Respondent mother appeals as of right the trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) (conditions that led to adjudication continue to exist) and (g) (failure to provide proper care or custody). Because the trial court did not clearly err by finding that termination of respondent's parental rights, rather than a subsidized guardianship, was in the children's best interests, we affirm.

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 termination was not in the children'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); see also MCL 712A.19b(5). The trial court may consider a child's need for stability and permanency in determining best interests. See *In re VanDalen*, 293 Mich App 120, 141; 809 NW2d 412 (2011). This Court reviews for clear error the trial court's best interests determination. *In re Hudson*, 294 Mich App 261, 264; 817 NW2d 115 (2011).

In this case, respondent was bonded and had a loving relationship with the children. During the 18 months that this case was proceeding, however, she failed to participate in services for more than approximately 3-½ months. She made progress at one point, but then relapsed. After making marked progress and being informed that reunification would occur if she continued to make progress, respondent became involved in an unhealthy relationship with a man, started using methamphetamines, disengaged in services, and stopped visiting the children. When respondent's visits stopped, the children's behavior regressed and two of the children experienced behavioral problems. Respondent's actions indicate that she did not make decisions in the best interests of the children and that reunification was not a priority for her. The evidence showed that the children needed permanency and stability, but no evidence indicated that respondent could or would soon be able to provide those necessities.

Respondent argues that the trial court erred by declining to order a subsidized guardianship in lieu of termination. A court may establish a guardianship rather than terminate parental rights if the court finds that a guardianship is in a child's best interests. MCL 712A.19a(6)(a) and (7)(c). The record shows that the trial court carefully considered the possibilities of a subsidized guardianship, adoption, and continued foster care. Throughout the proceedings, the three children were placed with their maternal grandmother, who provided stability and individualized and necessary care. The record shows, however, that it was uncertain whether the maternal grandmother wanted to continue caring for the children on a long-term basis. She testified that she wanted respondent to move in with her and hoped that respondent would ultimately be reunited with the children. She also testified that she did not believe that it was fair for her to adopt and raise the children because they needed a younger family. The trial court determined that it was not in the children's best interests for respondent to reside with the children and their maternal grandmother because the children would "spiral out of control" when respondent was absent from their lives and suffered as a result of respondent's inconsistent involvement in their lives. The trial court thus opined that a subsidized guardianship for the purpose of giving respondent more time than she had already been provided was not in the children's best interests. Accordingly, on this record, the trial court did not clearly err when it found that termination was in the children's best interests.

Affirmed.

/s/ Christopher M. Murray

/s/ Pat M. Donofrio

/s/ Mark T. Boonstra