

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of WHISPER BENT, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RICHARD J. BENT,

Respondent-Appellant,

and

CAMMIE DYER,

Respondent.

UNPUBLISHED

May 12, 2005

No. 258725

Kent Circuit Court

Family Division

LC No. 04-053251-NA

Before: Cooper, P.J., and Jansen and Hoekstra, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the order terminating his parental rights to his minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Respondent-appellant argues that the lower court erred when it found statutory grounds for termination and, further, argues that termination was against the child's best interests.

The lower court did not clearly err when it found a statutory ground for termination under MCL 712A.19b(3)(g). Respondent-appellant has not provided proper care and custody for many years, for various reasons that are unclear in the lower court record. At the time of termination, more than a year after these proceedings began, respondent-appellant still had no stable housing or employment. He acknowledged that his motel was an inappropriate home for his child. Further, he continued to face alcohol-related charges and engaged in conflicts with police officers and other authority figures that posed a danger to any child in his custody. Respondent-appellant was, therefore, unable to provide proper care and custody and did not demonstrate progress sufficient to make it likely he could properly care for his child within a reasonable time, considering her need for stability.

Because one statutory ground was established by clear and convincing evidence, we need not consider whether the lower court erred when it found other statutory grounds for termination. See *In re Huisman*, 230 Mich App 372, 384-385; 584 NW2d 349 (1998).

However, the more difficult issue in this case is whether termination is clearly against the child's best interests. When a lower court finds a statutory ground for termination, it must terminate parental rights unless termination was clearly against the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 352-353; 612 NW2d 407 (2000). There is no specific burden on either party to present evidence of the child's best interests; rather, the trial court should weigh all evidence available. *In re Trejo, supra* at 354.

The primary evidence that termination was against Whisper's best interests was respondent-appellant's love for her and her desire to be with him. She enjoyed seeing respondent-appellant and felt close enough to share things she could not tell her therapist, despite having little physical contact with him for most of her life. However, her past experiences made stability and predictability essential for her emotional well-being. It was unclear when, if ever, her father would take the steps necessary to provide a proper home for her. Therefore, it was not clearly against her best interests to terminate his parental rights.

The lower court did not err when it terminated respondent-appellant's parental rights to his minor child.

Affirmed.

/s/ Jessica R. Cooper
/s/ Kathleen Jansen
/s/ Joel P. Hoekstra