

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KENDRA LATRICE JONES,
KENWANA LATRICE JONES, and KENNETH
ERVIN JONES, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KENNETH HUGHES,

Respondent-Appellant,

and

MARSHA JONES and GREGORY A. JOHNSON,
Respondents.

In the Matter of DIAMOND LATRICE JONES,
SPARKLES LATRICE JONES, and CHRYSTAL
LATRICE JONES, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GREGORY A. JOHNSON,

Respondent-Appellant,

and

MARSHA JONES and KENNETH HUGHES,
Respondents.

UNPUBLISHED
March 21, 2006

No. 263382
Wayne Circuit Court
Family Division
LC No. 87-265941-NA

No. 263498
Wayne Circuit Court
Family Division
LC No. 87-265941-NA

Before: Schuette, P.J., and Murray and Donofrio, JJ.

PER CURIAM.

Respondents Kenneth Hughes and Gregory Johnson appeal as of right the trial court order terminating their parental rights to their minor children under MCL 712A.19b(3)(b)(i), (g), and (j). The cases were consolidated for review. We affirm.

I. FACTS

The oldest five children entered care in June 2002. The mother had a serious drug problem and had her rights to six older children terminated in 1993 and 1994. Respondent Hughes lived with the mother when Kendra and Kenwana were born, and respondent Johnson lived with her when the three younger children were born and during the pendency of this case. There was evidence of medical, environmental, and educational neglect, failure to protect, and failure to properly supervise. The court took disposition on August 28, 2002, with regard to the five older children, and on January 21, 2003, with regard to Chrystal.

Respondents' treatment plans required psychological evaluations, counseling, parenting classes, drug screens, suitable housing and employment, and visitations. Respondents began complying with these requirements. Johnson and the mother had Diamond and Sparkles returned in September 2003, and Chrystal in October 2003. However, these children had to be removed in November 2003, because of improper supervision, noncompliance with drug screens and allegations of physical abuse. Later, respondent Hughes similarly progressed to overnight and weekend visitations with his three children, but in August 2004 there were allegations that he choked and hit Kenneth and hit all three children with his belt outside a mall. These incidents were proven by testimony and caused at least embarrassment and humiliation to Hughes's children.

II. STATUTORY GROUNDS FOR TERMINATION

A. Standard of Review

Termination of parental rights is appropriate where petitioner proves by clear and convincing evidence at least one ground for termination. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). Once this has occurred, the court shall terminate parental rights unless it finds that the termination is clearly not in the best interests of the children. *Trejo, supra* at 364-365; MCR 3.977(J). This Court reviews the lower court's findings under the clearly erroneous standard. *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520, reh den 460 Mich 1205 (1999). A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court's special opportunity to observe the witnesses. *In re Miller*, 433 Mich 331, 337; 445 NW2d (161) (1989); *In re Terry*, 240 Mich App 14, 22; 610 NW2d 563 (2000).

B. Analysis

The trial court did not clearly err in finding the statutory grounds for termination of respondents' parental rights in subsection (g) established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). In respondent Hughes's

case, his children for a time were afraid of him and did not want to visit after the mall and choking incidents. At least two children had special needs, and Hughes had neglected Kenneth's severe ringworm and Kenwana's inability to read. Hughes maintained suitable housing and employment, attended visitations, and had a positive report after eight months of counseling. The caseworker testified that two of his last three visits went quite well. The therapist for Kendra and Kenwana and Hughes's therapist agreed that Hughes interacted appropriately with the children. However, respondent Hughes's relationship with his children deteriorated when he had the overnight visits. His "discipline" was humiliating, overly harsh, and caused at least emotional harm. There was also evidence of a bruise to Kendra. These incidents occurred after two sets of anger management classes or counseling. The children never lived with Hughes for any appreciable length of time and were in foster care for three years. Kendra's and Kenwana's therapist felt that they were confused; visitations had been started and stopped three times. Hughes's daughters were not "that bonded" with him. A bond could be developed if they felt that they could trust their father, but the therapist did not know if they felt this way.

As for respondent Johnson, the evidence likewise clearly and convincingly supported termination of his parental rights under MCL 712A.19b(3)(g). Johnson failed to protect the children from the mother's drug use and even took her and the children to a location where she used marijuana and alcohol. This happened repeatedly. Johnson lived with the mother when she used drugs while pregnant, and both parents neglected all six children in their care. Further, Johnson owed over \$30,000 in child support for other children. He hit two- and three-year-old Diamond and Sparkles with a stick, allowed his children to be watched by ten- and eleven-year-olds, and failed to meet with Family Reunification Services workers. Johnson and the mother also arranged with relative caretakers to take the children on weekends when the court had ordered only supervised visitations. Johnson did maintain employment, complete parenting classes, attend visitations and most drug screens, and his housing may have been suitable for his three children, but questionable for additional children. Also, as long as he continued to live with the mother, her drug and other problems would have an adverse impact on and prevent establishment of a healthy, nurturing environment in the home.

Respondents did not adequately address the barriers to reunification; thus, the children would be at risk in either respondent's care. Evidence clearly and convincingly showed that both respondents failed to provide proper care and custody, and a likelihood that they would be unable to do so within a reasonable time. MCL 712A.19b(3)(g). Since only one statutory ground need be established to terminate parental rights, we need not address the trial court's determination on the other statutory grounds for termination under subsections (b)(i) and (j). *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

III. BEST INTERESTS

A. Standard of Review

Once a statutory ground for termination is established by clear and convincing evidence, the trial court must terminate parental rights unless termination clearly is not in the child's best interests. MCL 712A.19b(5); *Trejo, supra*, at 353. The trial court's decision on the best interests question is reviewed for clear error. *Id.* at 356-357.

B. Analysis

The evidence did not establish that termination of respondents' parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357. Respondent Hughes had a weak bond with his children, while the evidence was lacking concerning a bond between respondent Johnson and his children. Respondents each failed to make sufficient progress to ensure that the children's best interests would be served by placing them in their fathers' care. The children need a safe, stable, loving, permanent home, which neither respondent can provide. The trial court did not clearly err in terminating respondents' parental rights to the minor children.

Affirmed.

/s/ Bill Schuette
/s/ Christopher M. Murray
/s/ Pat M. Donofrio