

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CHARLOTTE ANN ROBINSON,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RONALD ARTHUR ROBINSON,

Respondent-Appellant,

and

JANINE KELLY ROBINSON, a/k/a JANINE
KELLY COLTER,

Respondent.

In the Matter of CHARLOTTE ANN ROBINSON,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JANINE KELLY ROBINSON, a/k/a JANINE
KELLY COLTER,

Respondent-Appellant,

and

RONALD ARTHUR ROBINSON,

UNPUBLISHED
February 24, 2009

No. 286596
Kent Circuit Court
Family Division
LC No. 07-052719-NA

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Respondent.

Before: Whitbeck, P.J., and O'Connell and Owens, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from an order terminating their parental rights to their minor child pursuant to MCL 712A.19b(3)(c)(i) and (g). Respondent mother's parental rights were also terminated pursuant to MCL 712A.19b(3)(i). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that petitioner established the statutory grounds for termination by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The child was adjudicated a temporary ward based on respondents' admissions of environmental neglect. Respondent father also admitted that he was an alcoholic and respondent mother admitted to a prior termination. At the time of the termination proceeding, the conditions leading to adjudication continued to exist. The evidence also showed that neither respondent was able to provide the child with proper care or custody.

Respondent father had abused alcohol for 26 years. His longest period of sobriety was from November 2007 to April 2008, when he participated in a program at the Salvation Army. However, he relapsed in April 2008. Since that time he tried to commit suicide on two different occasions. During his hospital stay after the first suicide attempt, respondent father was diagnosed with bipolar disorder. On appeal, he argues that the trial court should have given him at least another reporting period to receive drug treatment and counseling for the condition. We disagree. The worker testified that, even if respondent father was successful in demonstrating sobriety for a three-month reporting period, he would have to stay sober for at least six months before the agency would even consider returning the child to his care. The child had already been in foster care for 12 of the 15 months of her life. She should not have to wait longer. It is tragic that respondent father could not overcome his alcoholism because the record demonstrates that, during his period of sobriety, he supported the respondent mother and availed himself of numerous classes and programs. He made significant progress. Still, the evidence shows that the father failed to remain sober and would be verbally abusive to the mother when drinking, creating an unsafe condition for the child. The evidence indicates that the conditions leading to the adjudication of the father's parental rights continued to exist, and considering that the child had spent most of her life in foster care, it was unlikely that the father's alcoholism would be rectified within a reasonable time. Further, the father's alcoholism prevented him from providing proper care and custody to the child. Therefore, termination was warranted pursuant to MCL 712A.19b(3)(c)(i) and (g).

The respondent mother admitted that her parental rights to another child were terminated in 1993 after she was substantiated for physical abuse and failed to participate in services. This was sufficient to warrant termination under MCL 712A.19b(3)(i). The social worker that provided services to respondents also testified that the mother's home continued to be unsafe and unsanitary. In addition to the environmental neglect, the worker testified that respondent mother

was not emotionally stable. Although respondent mother participated in counseling and availed herself of services, she did not appear to benefit from those services. Respondent mother was intellectually deficient, especially concerning parenting issues. She had a habit of making bad decisions for herself and the child, including staying with respondent father in spite of his abuse of alcohol. Although respondent mother filed a personal protection order (PPO) against respondent father and sought legal advice regarding divorce proceedings, she did so only on the eve of the termination hearing. The worker believed that respondent mother failed to appreciate the need to separate from respondent father and predicted that she would always associate with him and keep him in her life. Respondent father lived and slept in the home even after his relapse in April 2008 and during the time that respondent mother sought the PPO. When he drank, respondent father was volatile and emotionally abusive, creating a harmful environment for the child. Even if respondent mother's attempt to disassociate from him was sincere, the worker remained steadfast in her recommendation that respondent mother's parental rights be terminated. Because of respondent mother's intellectual deficiencies, the worker believed that she would need constant guidance and services. The agency could not provide such long-term care. The mother's parenting defects could not be resolved within a reasonable period of time, and she was unable to provide proper care and custody of the child. Therefore, termination was warranted under MCL 712A.19b(3)(c)(i) and (g).

Having found the statutory grounds for termination established by clear and convincing evidence, under the law in effect when the order terminating parental rights was entered, the trial court was obligated to terminate respondents' parental rights unless it appeared, on the whole record, that termination was clearly contrary to the child's best interests. MCL 712A.19b(5);¹ *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although the child seemed comfortable with respondents, the worker testified that she was an easygoing child and would go to almost anyone. The child had spent almost all her young life in foster care and was entitled to permanence and stability. The trial court did not clearly err in its best-interests determination.

Affirmed.

/s/ William C. Whitbeck
/s/ Peter D. O'Connell
/s/ Donald S. Owens

¹ After respondents' parental rights were terminated, the statute was amended by 2008 PA 199, effective July 11, 2008, and now requires that a court affirmatively find that termination is in the child's best interests before it can order termination.