

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of PATRIAS/RICHARDSON,
Minors.

UNPUBLISHED
July 15, 2014

No. 320736
Hillsdale Circuit Court
Family Division
LC No. 12-000526-NA

Before: FITZGERALD, P.J., and SAWYER and SHAPIRO, JJ.

PER CURIAM.

Respondent-mother appeals as of right the order terminating her parental rights to the minor children TP, AP, KR, and NR, under MCL 712A.19b(3)(c)(i) (conditions of adjudication continue to exist) and (c)(ii) (other conditions exist that could have caused the child to come within the court’s jurisdiction and they have not been rectified). We affirm.

Respondent’s sole argument is that the trial court erred by determining that termination of her parental rights was in the minor children’s best interests. In a termination of parental rights proceeding, a trial court must find by a preponderance of the evidence that termination is in the child’s best interests before it can terminate parental rights. *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). We review a trial court’s finding that termination is in the minor child’s best interests for clear error. *In re HRC*, 286 Mich App 444, 459; 781 NW2d 105 (2009).

In reviewing best interests, this Court looks at the best interests of the minor children, including their need for stability. *In re Trejo Minors*, 462 Mich 341, 364; 612 NW2d 407 (2000). In *In re VanDalen*, 293 Mich App 120, 141; 809 NW2d 412 (2011), when reviewing best interests, this Court looked at evidence that the children were not safe with the respondents, were thriving in foster care, and that the foster home could provide stability and permanency. This Court has also considered the respondent’s meaningful contact with the children and the family bond between the respondent and the children when reviewing best interests. *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004).

Here, AP and TP were previously in foster care for 12 months in a proceeding unrelated to the proceedings relevant to this appeal. When AP and TP entered care for a second time related to this case, they required counseling and were diagnosed with neglect and psychological disorders. During the 18-month proceeding, respondent failed to attend 92 parenting time visitations despite the fact that her inconsistent visitation was “emotionally detrimental” to AP and TP. Further, when respondent attended visits, AP and TP had negative reactions. Both children were happy in their relative placement, and TP did not wish to return to respondent’s

care. Respondent believed that it was in the best interests of AP and TP to remain in their placement. The record does not support that TP and AP shared a parent-child bond with respondent. *Id.* Although, for a majority of the proceeding, respondent consistently attended her scheduled parenting time with KR and NR, the record supports that respondent was negative, critical, and talked down to the children during visitations. She also yelled and failed to provide care at certain times during the proceeding. We find that, even if respondent was bonded with NR and KR, the bond was not healthy for them. *In re CR*, 250 Mich App 185, 196-197; 646 NW2d 506 (2002).

We reject respondent's argument on appeal that providing her with additional time to improve would be in the best interests of the children. Given that respondent demonstrated a lack of commitment to rectifying the issues that led to adjudication during the proceeding, there is no indication that she would be able to provide stability and care to the children within a reasonable time. *In re Trejo Minors*, 462 Mich at 364. At the time of termination, TP and AP had spent 30 months of their lives in care and had emotional and behavioral issues. The children were flourishing in their placements, and their caretakers were willing to adopt them. At the time of termination, respondent approved of the care that the children were being provided in their relative placements. *In re VanDalen*, 293 Mich App at 141-142.

With respect to respondent's argument that the trial court improperly failed to consider whether guardianships were a proper alternative to terminating respondent's parental rights, there is no evidence on the record that respondent pursued a legal guardianship for the children below or that the relatives with whom the children were placed would have agreed to such an arrangement. Moreover, the record establishes that the children required permanency that a guardianship could not provide. Because a trial court is not required to establish a guardianship with a relative in lieu of terminating parental rights if it is not in the children's best interests to do so, *In re McIntyre*, 192 Mich App 47, 52-53; 480 NW2d 293 (1991), we find that the trial court did not err by failing to sua sponte consider permanent guardianships under MCL 712A.19a(7).

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ David H. Sawyer

/s/ Douglas B. Shapiro