

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CADEN ANDREW
ANDERSON-MANSFIELD, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

EDWARD MANSFIELD,

Respondent-Appellant,

and

SUSAN REINHARDT,

Respondent.

UNPUBLISHED
February 16, 2010

No. 293310
Bay Circuit Court
Family Division
LC No. 00-006898-NA

Before: K.F. Kelly, P.J., and Jansen and Zahra, JJ.

PER CURIUM.

Respondent Edward Mansfield appeals by right the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i) (conditions that led to the adjudication continue to exist), (g) (without regard to intent, failure to provide proper care or custody), and (m) (parental rights to another child were voluntarily terminated following the initiation of proceedings under section 2(b)). We affirm.

On appeal from termination of parental rights, this Court reviews the trial court's findings under the clearly erroneous standard. MCR 3.977(J), *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005). In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991).

The trial court did not clearly err in finding that the conditions that existed at the beginning of this case continued to exist and there was no reasonable expectation that they would be rectified within a reasonable time. A major issue at the beginning of this case was respondent's alcohol abuse. Throughout the case, respondent contended that he was not

drinking. However, the results of the EtGs belied this claim. Respondent blamed his high EtG numbers on food products, floor glue, and other products in the home. This was clearly refuted by the toxicologist's report. Although respondent had recently shown negative test results, the court found that, while he could control his drinking for short periods of time, he had not demonstrated that he had successfully overcome his life-long alcohol dependence. Respondent was required to demonstrate financial stability and provide a suitable home for an infant or a toddler. Fifteen months later, his home was still not suitable. It was respondent's responsibility to demonstrate that his home was suitable and that he could provide proper care and custody for the child. Instead, he provided no evidence that his home was suitable, no evidence of income, and he refused to produce utility bills as required. The evidence demonstrated that he relied on his daughter and his elderly mother for his phone, heat, lights, internet, computer laptop, truck expenses, food, and cigarettes. Respondent began this case in denial about his drinking, his anger issues, and his physical and mental abuse of his children. Fifteen months later, at the termination trial, respondent was still denying any alcohol, anger, or parenting issues. He had been non-cooperative and, instead of working to comply with the requirements, he made excuses for his failure to do so. We conclude that the trial court did not clearly err in finding clear and convincing evidence to support termination under MCL 712A.19b(3)(c)(i).

There was also clear and convincing evidence to support termination under MCL 712A.19b(3)(g). The evidence showed that respondent had provided marginal care and custody for his older 12 children. The children and ex-wives who testified described a life of fear and harsh discipline. There were allegations of sexual abuse. They children described themselves as "bad" children who were frequently beaten. They were shuffled around from state to state and relative to relative or left alone in the home to fend for themselves while respondent took his wives with him on his truck driving trips. All the adult children left home while still in their teens. The court found that respondent's adult children, who were afraid to give out their addresses and who traveled great distances at their own expense to testify about the violence, neglect, and abuse they experienced in their childhood in order to protect this minor child, were more credible than the family members who "never saw" anything and the children who denied all allegations of abuse. We give regard to the special opportunity of the trial court to judge the credibility of the witnesses who appear before it. MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). We find the trial court did not clearly err in finding that respondent had failed to provide proper care or custody and there was no reasonable expectation that he would be able to do so within a reasonable time. MCL 712A.19b(3)(g).

Finally, there was no dispute that respondent had voluntarily terminated his parental rights to another child. The evidence showed that respondent was no more invested in this child's welfare than he was in the other child. Respondent did not engage in alcohol treatment or address his anger issues and let eight months go by without visitation with his infant son, thereby wasting his opportunity to bond and create an attachment with the child. He was confrontational, and he insulted, threatened, and intimidated the caseworker, the foster parents, and others involved in this case. There was no evidence that respondent would change his attitudes, address his problems, or accept his responsibilities. The trial court did not clearly err in terminating respondent's parental rights.

Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court must find that termination is in the child's best interests

before it can order termination of parental rights. MCL 712A.19b(5). The trial court's decision regarding the child's best interests is reviewed for clear error. *In re Trejo*, 462 Mich 341, 356-367; 612 NW2d 407 (2000). Respondent argues that he met the goals of his treatment plan and there was no reason to believe he would be unable to meet his parental responsibilities to this minor child. We find respondent's argument incredible, without merit, and not supported by the record. The evidence clearly demonstrated that respondent did not meet the goals of his treatment plan and would not accept his parental responsibilities. The trial court clearly put forth its findings to support its conclusion that termination was in the minor child's best interests. The trial court did not clearly err.

Affirmed.

/s/ Kirsten Frank Kelly

/s/ Kathleen Jansen

/s/ Brian K. Zahra