

STATE OF MICHIGAN  
COURT OF APPEALS

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*In re* HAMLIN, Minors.

UNPUBLISHED  
June 16, 2015

No. 324782  
Branch Circuit Court  
Family Division  
LC No. 11-004687-NA

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Before: METER, P.J., and CAVANAGH and WILDER, JJ.

PER CURIAM.

Respondent-father appeals as of right an order terminating his parental rights to the two minor children under MCL 712A.19b(3)(c)(i) (conditions of adjudication continue to exist) and (g) (failure to provide proper care and custody). We affirm.

On appeal, respondent argues that the trial court improperly found statutory grounds to terminate his parental rights. He emphasizes that he and the children’s mother progressed similarly during the proceeding, yet the trial court did not find statutory grounds to terminate mother’s parental rights. Thus, his rights also should not have been terminated. Respondent’s argument is unsupported by the record. Moreover, a trial court is not precluded from terminating the parental rights of only one parent. *In re Marin*, 198 Mich App 560, 566; 499 NW2d 400 (1993).

Further, a trial court need only find “by clear and convincing evidence that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met” in order to terminate parental rights. *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011). “We review the trial court’s determination for clear error.” *Id.* Here, we find that the trial court properly terminated respondent’s parental rights to the children under MCL 712A.19b(3)(g), which provides for termination when “[t]he parent, without regard to intent, fails to provide proper care or custody for the child[ren] and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child[ren]’s age[s].”

Respondent was unable to provide proper care and custody when the minor children were taken into care in July 2013 because he was abusing substances, lacked stable housing, was emotionally unstable, was exposing the children to domestic violence in the home, and was unemployed. Respondent was ordered to attend mental health and substance abuse counseling, but he only “randomly” attended and never completed counseling during the proceeding. He failed to provide documentation to support that he was attending Alcoholics Anonymous. During the proceeding, respondent attempted suicide, threatened to attempt suicide, and was

aggressive. Between October 2013 and December 2013, the police had to be contacted several times because of altercations between the children's mother and respondent. The children's mother acquired a personal protection order (PPO) against respondent after they ended their relationship in December 2013. Respondent sent the caseworker inappropriate text messages during the proceeding. As of April 2014, the caseworker was not permitted to have unsupervised contact with respondent because of his aggressive nature. In the days leading up to termination, the children's mother accused respondent of violating the PPO by telephoning her multiple times. Respondent admitted that he used substances during the proceeding and that he was still "randomly" using marijuana and alcohol at the time of termination. See *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003); *In re White*, 303 Mich App 701, 710; 846 NW2d 61 (2014).

During the proceeding, respondent did not maintain steady employment or suitable housing. At the time of termination, respondent was living with his girlfriend of only six months, who paid their rent. The housing was not suitable or stable because it was leased on a week-to-week basis, and respondent and his girlfriend planned to move to a different home at some point in the future. Although the girlfriend had a vehicle, respondent lacked his own transportation, and it is unclear whether he had a driver's license at the time of termination. Additionally, because of respondent's mental health issues, he was prone to over disciplining the children, being self preoccupied, and having problematic interactions with the children. Respondent only attended 25 percent of his parenting time visitations with the children during the proceeding. See *In re Laster*, 303 Mich App 485, 493-494; 845 NW2d 540 (2013). When he did attend parenting times, he would fail to interact with the children and did not properly supervise them at times. Respondent was unable to provide proper care and custody at the time of termination. See MCL 712A.19b(3)(g).

And there is no evidence showing that respondent would be able to provide proper care and custody within a reasonable time. Respondent completely lacked commitment during the approximately 15-month proceeding and there is no indication that he would improve if given additional time. At the time of termination, the children were two and almost four years old, and they required permanency. The trial court's findings that termination of respondent's parental rights was proper pursuant to MCL 712A.19b(3)(g) does not leave us with a definite and firm conviction that a mistake has been made. See *In re HRC*, 286 Mich App 444, 459; 781 NW2d 105 (2009). Because we have concluded that at least one ground for termination existed, we need not consider the additional ground upon which the trial court based its decision. See *id.* at 461.

On appeal, respondent also challenges the trial court's best-interest findings. "Once a statutory ground for termination has been proven, the trial court must find that termination is in the child[ren]'s best interests before it can terminate parental rights." *In re Olive/Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012). We review this finding for clear error. *In re HRC*, 286 Mich App at 459. "In deciding whether termination is in [] child[ren]'s best interests, the court may consider the child[ren]'s bond to the parent, the parent's parenting ability, the child[ren]'s need for permanency, stability, and finality, and the advantages of a foster home over the parent's home." *In re Olive/Metts*, 297 Mich App at 41-42 (internal citations omitted). The trial court may also look at evidence that the children are not safe with the parent, are thriving in foster care, and that the foster care home can provide stability and permanency. *In re VanDalen*, 293 Mich App at 141.

Here, the record does not demonstrate that respondent had an appropriate parent-child bond with the children. See *In re Olive/Metts*, 297 Mich App at 41-42. Even before the children were taken into care in July 2013, they spent 20 days each month with their maternal great-grandparents. The oldest child was 2-1/2 years old and the youngest was nine months old when they were removed from respondent's care. During the proceeding, respondent only attended 25 percent of his parenting time visits. It was believed that his inconsistent involvement with the children confused them. The oldest child had behavioral issues during and after parenting times, did not ask about respondent in the foster home, and appeared to do better when he was not having contact with respondent. When respondent did attend parenting times, there were "a lot of times" when he would become distracted and not interact with the children. There were "multiple times" when respondent would not appropriately supervise both of the children. At the time of termination, the children had exclusively been in the care of relatives for nearly 15 months.

The record also shows that the children would not be safe in respondent's care given that he lacked independent housing, transportation, and income and had not rectified his substance abuse or mental health issues during the proceeding. Because respondent did not address his mental health issues, it was believed that he would continue to act out and have periods of instability in the future. See *In re VanDalen*, 293 Mich App at 141.

The oldest child was almost four years old and the youngest child was two years old at the time of termination. They had been in care for nearly 15 months, and they required permanency within the near future. See *In re Olive/Metts*, 297 Mich App at 41-42. The children were bonded to their caregivers and were doing well in their care. The oldest child referred to the home as "his home," and the relatives were interested in adopting the children should they become eligible for adoption. *In re VanDalen*, 293 Mich App at 141. We note that respondent argues on appeal that the children would not achieve permanency and consistency with the relatives because of their advanced ages. However, this argument has no merit. The parental rights of the children's mother were still intact when respondent's parental rights were terminated. Additionally, even if the children were eligible for adoption in the future, there was no guarantee that the elderly relatives would be allowed to adopt. Simply put, without the threat of disruption by respondent, the children could achieve permanency and stability with mother, their relative caregivers, or even another family at some point in the future. This could only be achieved if respondent's rights were terminated. The trial court did not clearly err in finding that termination of respondent's parental rights was in the minor children's best interests. See *In re HRC*, 286 Mich App at 459.

Affirmed.

/s/ Patrick M. Meter  
/s/ Mark J. Cavanagh  
/s/ Kurtis T. Wilder