

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J. TAYLOR, Minor.

UNPUBLISHED
April 29, 2014

No. 318277
Berrien Circuit Court
Family Division
LC No. 2012-000059-NA

Before: BORRELLO, P.J., and WHITBECK and K. F. KELLY, JJ.

PER CURIAM.

Respondent-mother appeals as of right the trial court's order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) (conditions of adjudication continue to exist), (g) (failure to provide proper care and custody), and (j) (reasonable likelihood child will be harmed if returned to parent). For the reasons set forth in this opinion, we affirm.

On appeal, respondent does not challenge the trial court's finding that the statutory grounds for termination were established by clear and convincing evidence. Rather, she argues that termination was not in the minor child's best interests. "Once a statutory ground for termination has been proven, the trial court must find that termination is in the child's best interests before it can terminate parental rights." *In re Olive/Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012); MCL 712A.19b(5). We review a trial court's finding that termination is in the child's best interests for clear error. *In re HRC*, 286 Mich App 444, 459; 781 NW2d 105 (2009). 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 parents, were thriving in foster care, and that the foster care home could provide stability and permanency. A trial court may also consider whether the parent has a healthy bond with the child when determining best interests. *In re CR*, 250 Mich App 185, 196-197; 646 NW2d 506 (2002). In *In re Jones*, 286 Mich App 126, 129-130; 777 NW2d 728 (2009), termination was found to be in a five-month-old child's best interests where he was removed from the mother's custody "shortly after birth," and the mother failed to establish a relationship with the child during the proceeding.

The minor child in the current case was removed from respondent's care when the child was less than one month old. The reasons for initial removal were based on the minor child suffering severe head trauma. Respondent and the minor child's father told police and hospital

personnel that the infant fell out of the bed and onto a wood floor.¹ At the time of termination, the minor child was 13 months old and had special needs as a result of suffering severe head trauma. Although respondent was offered parenting time three times each week, she only committed to attending parenting time once each week. During the proceeding, respondent inconsistently attended those weekly parenting sessions, in part, because she moved from Michigan to Indiana a short time after the minor child was taken into care. At the time of the termination hearing, respondent had not seen the minor child for over one month, and she was unaware of how to care for the minor child. The record establishes that respondent failed to establish a bond with the minor child during the proceeding. *Id.*

Although respondent argues on appeal that she should have been provided an additional 8 to 12 weeks to participate in services and demonstrate that she could effectively parent the minor child, we focus on the minor child when determining whether termination was in the best interests of the child. This includes considering the minor child's need for stability and permanency. *In re VanDalen*, 293 Mich App at 141. Here, the record establishes that respondent was unable to parent the minor child because of her complete lack of commitment during the 13-month proceeding. Furthermore, the record establishes that respondent required an additional year of services before she may be able to regain custody of the minor child. The record reveals that the minor child, who had cognitive and developmental delays, required permanence and stability. She was doing well in her placement, where she had lived for over 12 months. The minor child was very attached to her foster mother, who had expressed an interest in adopting the minor child. Thus, the record established that the minor child was being provided with the stability that she required and that respondent could not provide. *In re VanDalen*, 293 Mich App at 141-142. Based on a review of the record, the trial court correctly ruled that terminating respondent's parental rights was in the minor child's best interest and, thus, it did not clearly err. *In re HRC*, 286 Mich App at 459.

Respondent also raises the issue of whether petitioner made reasonable efforts toward reunification. Respondent failed to explain or rationalize the argument or cite to supporting authority, and the argument is abandoned. *Prince v MacDonald*, 237 Mich App 186, 197; 602 NW2d 834 (1999). Given the record evidence in this matter, we find this argument disingenuous. Our examination of the record, as cited above, clearly reveals that reasonable efforts toward unification were made by petitioner. She was provided with leads for housing, therapy, bus tickets for visits and medical appointments, as well as counseling and parenting classes. It was the lack of engagement in these services by respondent, rather than the lack of reasonable efforts by petitioner, that resulted in respondent's parental rights being terminated.

¹ The precise factors leading to the infant's injuries were never fully discovered. While respondent and the minor child's father reported that the infant fell out of bed while they were out of the room, respondent's grandparents, with whom she was living, reported hearing the infant crying while both parents were still in the room.

Affirmed.

/s/ Stephen L. Borrello
/s/ William C. Whitbeck
/s/ Kirsten Frank Kelly