*If this opinion indicates that it is "FOR PUBLICATION," it is subject to revision until final publication in the Michigan Appeals Reports.*

# STATE OF MICHIGAN

# COURT OF APPEALS

UNPUBLISHED
January 05, 2026
9:01 AM

*In re* K D BROOKS, Minor.

No. 374627
Wayne Circuit Court
Family Division
LC No. 2018-000951-NA

Before: RIORDAN, P.J., and GARRETT and MARIANI, JJ.

PER CURIAM.

Respondent appeals by right the order terminating her parental rights to her minor child, KDB. Respondent challenges the trial court's determination that terminating her parental rights was in KDB's best interests. We affirm.

## I. FACTUAL BACKGROUND

In August 2016, two of respondent's children, JS and JPW, were removed from her care in Racine County, Wisconsin, after a police officer found JS outside unattended and having suffered a knee injury. Respondent admitted causing JS's injury, and her parental rights to JS and JPW were terminated. She pleaded no contest to third-degree child abuse in Wisconsin.

At some point, respondent relocated to Michigan. In June 2018, petitioner, the Department of Health and Human Services (DHHS), petitioned for temporary custody of MDB, another of respondent's children. In November 2018, respondent was given a service plan. In February 2020, DHHS filed a supplemental petition for permanent custody of MDB. After the trial court found that respondent did not complete any aspect of her service plan, the trial court terminated respondent's parental rights to MDB.

In August 2024, the police were called to respondent's home in Detroit where they found methamphetamine paraphernalia. KDB had access to the areas where the drug paraphernalia was found. Respondent submitted to a drug test, which was positive for amphetamine and methamphetamine. KDB was temporarily placed with respondent's close friend.

On August 29, 2024, DHHS petitioned to terminate respondent's parental rights to KDB at the initial disposition. At the scheduled adjudication trial, respondent pleaded to jurisdiction and the statutory grounds for termination: MCL 712A.19b(3)(g) (failure to provide proper care or custody), MCL 712A.19b(3)(i) (parental rights to one or more siblings were terminated and parent has failed to rectify conditions that led to prior terminations), and MCL 712A.19b(3)(j) (reasonable likelihood that child would be harmed if returned to parent's care).

On December 19, 2024, the trial court held a best-interest hearing. The court admitted respondent's Family Assessment Center evaluation as evidence at the hearing. Respondent testified that she was residing at the Clearview Sacred Heart Recovery Center and was receiving treatment. Dr. Tina Parkman, a licensed counselor and addiction specialist, testified that respondent was making progress. The trial court found it was in KDB's best interests to terminate respondent's rights. The court noted respondent's "history of [Child Protective Services] involvement dating back to 2018 due to alleged improper supervision, substance abuse, physical abuse, and domestic violence . . . ." The court agreed with the Family Assessment Center evaluation that respondent's "untreated mental health diagnoses, in conjunction with her substance abuse addiction, prevented her from providing safe and nurturing environment for [KDB]."

## II. BEST INTERESTS

Respondent argues that termination of her parental rights was not in KDB's best interests. We disagree.

### A. STANDARD OF REVIEW

We review for clear error the trial court's finding that termination of parental rights is in a child's best interests. *In re Atchley*, 341 Mich App 332, 346; 990 NW2d 685 (2022). "A trial court's decision is clearly erroneous if although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *In re Olive/Metts Minors*, 297 Mich App 35, 41; 823 NW2d 144 (2012).

### B. ANALYSIS

"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." *Id*. at 40. "[W]hether termination of parental rights is in the best interests of the child must be proved by a preponderance of the evidence." *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). "In deciding whether termination is in the child's best interests, the court may consider the child's bond to the parent[;] the parent's parenting ability[;] the child's need for permanency, stability, and finality[;] and the advantages of a foster home over the parent's home." *Olive/Metts*, 297 Mich App at 41-42 (citations omitted). Additional considerations include "the parent's compliance with his or her case service plan, the parent's visitation history with the child, the children's well-being while in care, and the possibility of adoption." *In re White*, 303 Mich App 701, 714; 846 NW2d 61 (2014). The trial court "should weigh all the evidence available to it." *In re Payne/Pumphrey/Fortson*, 311 Mich App 49, 63; 874 NW2d 205 (2015). "Placement with a relative weighs against termination, but that fact is not dispositive given that a trial court may terminate parental rights in lieu of placement with relatives if it finds that termination is in the

child's best interests." *Atchley*, 341 Mich App at 347 (quotation marks and citation omitted). "The focus at the best-interest stage has always been on the child, not the parent." *Payne/Pumphrey/Fortson*, 311 Mich App at 63 (quotation marks and citation omitted).

Termination of respondent's parental rights was in KDB's best interests. The record does not support respondent's contention that there is a bond between her and KDB. See *Olive/Metts*, 297 Mich App at 42. Respondent testified that KDB knew her "as his mother." However, according to the Family Assessment Center evaluation, KDB had a strong bond with his caregiver and communicated well with her. When respondent tried to interact with KDB and engage with him, KDB was focused only on his caregiver. Further, KDB "appeared to be more comfortable with the caregiver than with [respondent]." The evidence demonstrates that KDB had a parental bond with his caregiver, not respondent.

Respondent's parenting ability was also concerning. Police officers found methamphetamine paraphernalia in areas of the home that KDB could access while in respondent's care. Respondent continued to use methamphetamines even though she became angry, belligerent, and illogical when she was high on methamphetamines. This was especially concerning in light of respondent's history of hitting JS after she became aggressive from drinking alcohol. Respondent did not attend parenting classes to improve her parenting skills when she was in termination proceedings regarding MDB. "The doctrine of anticipatory neglect recognizes that [h]ow a parent treats one child is certainly *probative* of how that parent may treat other children." *In re Kellogg*, 331 Mich App 249, 259; 952 NW2d 544 (2020) (quotation marks and citation omitted). Respondent's treatment of JS and MDB is indicative of how she may treat KDB, especially when she failed to take steps to improve her parenting ability by completing parenting classes during her previous termination proceedings. This weighs in favor of termination.

Stability and permanency would be beneficial for KDB, who is now four years old. He previously lived with his caregiver for a few months when he was two years old. Considering the advantages of his current placement over placement with respondent, the caregiver was a "regular and consistent part of the child's life." KDB communicated well with his caregiver, and he was "adequately cared for in the home of the caregiver." Further, KDB's caregiver has expressed a willingness to adopt him, which favors termination. See *White*, 303 Mich App 714.

Respondent maintains that she attended supervised visits with KDB weekly, which weighs against termination. A child's placement with a relative also weighs against termination, and the trial court gave KDB's placement with fictive kin this weight. *Atchley*, 341 Mich App at 347. However, the trial court determined that "even though the child is with fictive kin, or if the child were with relatives, it is still in his best interest to terminate the mother's rights." The court found that respondent's untreated mental health issues, lack of accountability, and unstable housing situation outweighed KDB's placement with fictive kin. The court stated that KDB needed "permanence and stability" and was concerned that if something happened to the caregiver, KDB could end up with "an inappropriate and dangerous parent if [respondent's] rights are not terminated." The trial court weighed all the evidence available to it, and determined that it was in KDB's best interests to terminate respondent's rights. *Payne/Pumphrey/Fortson*, 311 Mich App at 63.

Respondent argues that the trial court based its decision on presumption and speculation by focusing on her past instead of her present. However, the evidence supported the trial court's determination regarding KDB's best interests, and the court's decision was not clearly erroneous. *Olive/Metts*, 297 Mich App at 41. The record included respondent's past conduct, and it was not erroneous for the court to consider this when determining if termination of respondent's parental rights was in KDB's best interests. *Payne/Pumphrey/Fortson*, 311 Mich App at 63.

Affirmed.

/s/ Michael J. Riordan
/s/ Kristina Robinson Garrett
/s/ Philip P. Mariani