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STATE OF MICHIGAN

COURT OF APPEALS

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In re J. S. F. ABBOTT, Minor.

No. 376857
Calhoun Circuit Court
Juvenile Division
LC No. 2025-000249-NA

Before: GADOLA, C.J., and REDFORD and RICK, JJ.

PER CURIAM.

Respondent appeals as of right the trial court order terminating his parental rights to his minor child, JA, under MCL 712A.19b(3)(b)(*i*), (j), and (k)(*ii*). We affirm.

I. FACTS

In January 2025, petitioner, the Department of Health and Human Services, petitioned to remove JA from the care and custody of respondent and the child's mother. The petition alleged that Battle Creek Police officers found the child in an unlivable home[1] and in a serious state of neglect. When the police went to the family's home, JA's five-year old half-brother answered the door holding a knife. The officers took the knife and asked the child to tell his parents to come to the door. The child went back into the house, then returned to the door holding a loaded gun. The officers took the gun from the child. Upon entering the home, they found JA's mother, the mother's boyfriend, a neighbor man, JA, and two of JA's siblings. The house was extremely dirty and cluttered, and the children were very dirty and appeared neglected. JA, who was less than one year old, had significant rashes on his neck, face, and buttocks, and was struggling to breathe. Emergency services immediately transported JA to the hospital for treatment. JA's mother was arrested and charged with second-degree child abuse and child endangerment.

[1] Shortly thereafter, the house was condemned.

At that time, respondent was in jail after being charged with assaulting JA's mother earlier that month. Petitioner filed a petition seeking the removal of JA[2] from the home, and the trial court entered an ex parte order placing JA into petitioner's custody. After receiving medical care at the hospital, JA was placed in foster care. Petitioner thereafter amended the petition to add allegations that respondent sexually abused SV, JA's eight-year-old half-sister.[3] The trial court authorized the petition. The trial court directed respondent to participate in parenting education, mental-health services, and any services related to sexual abuse that were available within the jail.

Respondent admitted the allegations in the petition regarding his criminal history and that his house was unlivable and had been condemned. Respondent pleaded no contest to the allegations detailing JA's condition when he was removed from the home. The trial court assumed jurisdiction of JA. Before the termination hearing, petitioner entered a notice of intent to introduce into evidence statements regarding SV's allegations that respondent sexually abused her. Counsel for respondent did not object, and the trial court admitted the statements into evidence at trial under MCR 3.972(C)(2).

At the dispositional hearing, the foster care worker testified regarding the allegations underlying the petition, noting respondent's history with Children's Protective Services including improper supervision, domestic violence, failure to protect, physical abuse, sexual abuse, physical neglect, threatened harm, and placing a child at unreasonable risk. The forensic interviewer who interviewed SV testified regarding SV's reports of sexual abuse by respondent, specifically, the child's disclosure that respondent had put his hand in her underwear and rubbed her vagina. The foster care worker also testified regarding previous allegations of sexual abuse by respondent's two stepchildren, who later recanted the allegations.

The children's mother testified that in January 2025, respondent beat her in front of the children. She also testified that, although she never witnessed any inappropriate interactions between SV and respondent, she believed SV's allegation that respondent sexually abused her. The children's mother testified that she had received a text message from respondent's step-daughter telling her that respondent also had sexually abused her, but that the step-daughter had recanted the allegations after respondent promised her something in return for recanting.

Respondent testified that he had received "36 plus certificates" for completing several parenting classes[4] and that he never sexually abused SV. He also read a statement to the trial court that asked that his parental rights not be terminated because JA was his only son and he wanted to be the "best dad ever."

At the conclusion of the hearing, the trial court terminated respondent's parental rights under MCL 712A.19b(3)(b)(*i*) (parent caused physical or sexual abuse), (j) (reasonable likelihood child will be harmed if returned to parent's home), and (k)(*ii*) (parent abused the child or sibling of the child by criminal sexual conduct). The trial court also found that termination was in JA's

[2] The other children also were removed from the home.

[3] Respondent is not the father of SV.

[4] The record indicates that respondent received one certificate for one parenting class.

best interests because no bond had been established between JA and respondent, JA was in a preadoptive home, and JA's condition had greatly improved since he was placed in foster care. The trial court also noted that a custody order alone would not sufficiently protect JA because of the level of domestic violence in the case. Respondent now appeals.

II. DISCUSSION

Respondent contends that the trial court erred by finding that termination of his parental rights to JA was in the child's best interests. We disagree.

Once the trial court finds that a statutory basis for terminating a parent's rights has been established, the trial court must terminate the parent's rights if a preponderance of the evidence demonstrates that termination is in the child's best interests. MCL 712A.19b(5); *In re Lombard*, ___ Mich App ___, ___; ___ NW3d ___ (2024) (Docket No. 367714); slip op at 5. We review for clear error the trial court's decision regarding a child's best interests. *In re Sanborn*, 337 Mich App 252, 276; 976 NW2d 44 (2021). In doing so, we focus on the child, not the parent. *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, this Court upon reviewing the entire evidence "is left with the definite and firm conviction that a mistake has been made." *In re Keillor*, 325 Mich App 80, 93; 923 NW2d 617 (2018) (quotation marks and citation omitted). A clearly erroneous decision is one that is "more than maybe or probably wrong." *In re Ellis*, 294 Mich App 30, 33; 817 NW2d 111 (2011).

When determining the best interests of a child in a termination proceeding, the trial court is required to weigh the available evidence and consider a wide variety of factors, including the child's bond to the parent, the parent's parenting ability, the child's need for permanency, stability, and finality, the advantages of the foster home over the parent's home, the length of time the child has been in care, the likelihood that the child could be returned to the parent's home in the foreseeable future, and the parent's compliance with the case service plan. See *In re Sanborn*, 337 Mich App at 276-277.

When making the determination regarding JA's best interests, the trial court considered several of the relevant factors. The trial court determined that there was very little bond, if any, between JA and respondent because JA was removed to foster care when he was only seven months old. The trial court considered that JA was doing well in foster care and his condition had improved significantly after being removed from respondent's care. See *In re Atchley*, 341 Mich App at 347. The trial court also considered that JA's foster family was approved as an adoptive family. See *In re White*, 303 Mich App 701, 714; 846 NW2d 61 (2014). The trial court also emphasized respondent's history as a perpetrator of domestic violence, and generally violent history. See *In re Medina*, 317 Mich App 219, 238; 894 NW2d 653 (2016). Although respondent participated in a parenting class and expressed the desire to be a good father, the trial court did not err by determining that the preponderance of the evidence nonetheless demonstrated that termination of respondent's parental rights was in JA's best interests.

Respondent argues that the trial court erred by relying upon SV's statements alleging sexual abuse because the statements were not corroborated. However, that trial court largely did not base its best-interest determination on the sexual-abuse allegations; rather, the trial court

focused in part on the sexual-abuse allegations when determining that statutory grounds existed to terminate respondent's parental rights, a determination which respondent does not contest on appeal.

A preponderance of the evidence supports the trial court's determination that termination of respondent's parental rights is in JA's best interests. Respondent admitted his criminal history of violent offenses, and did not dispute the events that led to his arrest and conviction of domestic violence against JA's mother. Respondent also did not contest the deplorable condition of the home, that the home had been condemned, nor the neglected condition in which JA was found. There also was evidence that respondent sexually assaulted JA's half-sister. We conclude that the trial court did not err by considering SV's statements among the other factors considered by the trial court when determining JA's best interests, nor did the trial court clearly err by determining that termination of respondent's parental rights was in JA's best interests.

Affirmed.

/s/ Michael F. Gadola
/s/ James Robert Redford
/s/ Michelle M. Rick