

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of LESTER BURTON and  
SAVANNAH BURTON, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CYNTHIA BURTON and TERRY BURTON,

Respondents-Appellants,

and

SPRING LANDERVILLE, a/k/a KIM ROZELLE,

Respondent.

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Before: Griffin, P.J., and Cavanagh and Fitzgerald, JJ.

**MEMORANDUM.**

Respondents Cynthia and Terry Burton appeal by delayed leave granted the family court order terminating their parental rights to the minor children under MCL 712A.19b(3)(g), (i), and (j); MSA 27.3178(598.19b)(3)(g), (i), and (j). We affirm.

We reject respondent Terry Burton's claim that his due process rights were violated by the trial court's refusal to order a new psychological evaluation at public expense. The record indicates that the trial court did not rely on the prior psychological evaluation as a basis for its decision to terminate respondent's parental rights. Rather, it was respondent's longstanding lifestyle and ongoing pattern of criminality and immorality, and failure to benefit from past services, that led the court to conclude that the statutory grounds for termination had been established. In the context of this case, the trial court did

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not abuse its discretion in refusing to order a new psychological evaluation, *In re Bell*, 138 Mich App 184, 187; 360 NW2d 868 (1984), nor were respondent's due process rights violated.

Next, the trial court did not clearly err in finding that §§ 19b(3)(g) and (j) were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Because only one statutory ground is required to terminate parental rights, *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991), we need not decide whether termination was also proper under § 19b(3)(i). Respondents do not argue, nor does the record indicate, that termination of their parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); MCR 5.974(E)(2); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the trial court did not err in terminating respondents' parental rights to the children.

Affirmed.

/s/ Richard Allen Griffin

/s/ Mark J. Cavanagh

/s/ E. Thomas Fitzgerald