

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of EMILY ANN BAKER, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DONALD LEE MORRISON,

Respondent-Appellant,

and

MARIA BAKER,

Respondent.

UNPUBLISHED

October 22, 1999

No. 214416

Isabella Circuit Court

Family Division

LC No. 97-000051 NA

Before: Whitbeck, P.J. and Gribbs and White, JJ.

MEMORANDUM.

Respondent-appellant appeals by delayed leave granted from the family court order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The family court did not abuse its discretion by allowing petitioner to amend the permanent custody petition to allege § 19b(3)(g) as a statutory basis for termination. MCR 5.118(A)(2); *Juravle v Ozdagler*, 149 Mich App 148, 156; 385 NW2d 627 (1985). Respondent-appellant's substantial rights were not materially prejudiced by the amendment, given that the request to terminate under § 19b(3)(g) was based on the same factual allegations already alleged in the original petition.

Further, the court did not clearly err in finding that § 19b(3)(g) was established by clear and convincing evidence. The child had considerable special needs, and respondent's testimony and history demonstrated that he had failed to provide proper care or custody for her, and that he had no realistic plan for caring for her in the future.

Respondent-appellant does not argue that termination of his parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Accordingly, the trial court did not err in terminating respondent-appellant's parental rights to the child. *Id.*

Lastly, we need not address respondent's claim of error regarding § 19b(3)(c)(i) because only one statutory ground need be established to support the termination of parental rights. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991).

Affirmed.

/s/ William C. Whitbeck
/s/ Roman S. Gibbs
/s/ Helene N. White