STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of Cody Walker, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

STEVEN WALKER,

Respondent-Appellant.

and

KIMBERLY KASSAB,

Respondent.

UNPUBLISHED
June 27, 2000

No. 216830
Macomb Circuit Court
Family Division
LC No. 96-042937-NA

Before: Owens, P.J., and Neff and Fitzgerald. JJ.

PER CURIAM.

Respondent-appellant Steven Walker (appellant), appeals as of right from an order of the Family Division of the Macomb Circuit Court terminating his parental rights to his minor child, Cody Walker, under MCL 712A.19b(3)(c)(*i*) (conditions that led to the adjudication continue to exist) and (g) (unable to provide proper care and custody); MSA 27.3178(598.19b)(3)(c)(*i*) and (g). The parental rights of the mother were also terminated. She does not appeal. We affirm.

We review the decision of the Family Division of the Circuit Court to terminate parental rights for clear error. MCR 5.974(I); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999). A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). To be clearly erroneous, a decision must be more than maybe or probably wrong. *In re Sours*

Minors, supra at 633. Regard is to be given to the special opportunity of the trial court to judge the credibility of the witnesses. MCR 2.613(C); *In re Miller, supra* at 337.

Only one statutory ground is required to terminate parental rights. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1992). Once a statutory ground for termination is established, the court must terminate parental rights unless it finds that termination is clearly not in the child's best interest. MCL 712A.19b(5); MSA 27.3178(598.19b)(5), MCR 5.974(E)(2), *In re Hall-Smith*, 222 Mich App 470, 472; 564 NW2d 156 (1997). Once the petitioner has established a ground for termination of parental rights, the respondent has the burden of going forward with evidence to establish the termination is clearly not in the child's best interest. *Id* at 473.

The Circuit Court did not clearly err in terminating appellant's parental rights to Cody. The applicable statutory subsections, MCL 712A.19b(3)(c)(*i*) and (g); MSA 27.3178(598.19b(3)(c)(*i*) and (g), provide that parental rights may be terminated if:

> (c) The parent was a respondent in a proceeding brought under this chapter, 182 more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the following:
>
> (*i*) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.
>
> * * *
>
> (g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

The Circuit Court did not err in terminating appellant's parental rights under statutory subsection (3)(c)(*i*) because the evidence clearly showed that, with respect to the appellant, the condition that lead to the adjudication, to wit: appellant's severe problem with alcohol abuse and the consequences thereof, continued to exist throughout the duration of court jurisdiction, and that given the appellant's failure to substantially comply with the Parent/Agency Agreement and his continuing problems resulting from alcohol abuse, there was no reasonable likelihood that the conditions would be rectified within a reasonable time considering the age of the child.

Appellant also claims that the court erred in terminating his parental rights under statutory subsection (3)(g). This issue is not preserved for appeal because it was not raised in appellant's statement of questions presented. *People v Yarbrough*, 183 Mich App 163, 165; 454 NW2d 419 (1990). Moreover, it is insufficient for appellant merely to announce his position with respect to statutory subsection (3)(g) at the conclusion of his brief and then "leave it up to this Court to discover and rationalize the basis for his claims, or unravel and elaborate for him his arguments, and then search for authority either to sustain or reject his position." *Mitcham v City of Detroit*, 355 Mich 182, 203;

94 NW2d 388 (1959). Even though we need not consider this issue, the record contains adequate evidence to sustain the court's conclusion that statutory subsection (3)(g) was proven by clear and convincing evidence.

Appellant further argues that it was error to terminate his parental rights when the Family Independent Agency failed to make reasonable efforts to reunite him with his child. We need not reach the merits of this issue because appellant has failed to cite any authority in support of this proposition, *Mitcham, supra*, other than MCR 5.973(A)(5)(c), which merely states that the court, at the initial disposition hearing, shall find whether reasonable efforts were made to prevent the child's removal from home or rectify the conditions that caused the child to removed from the child's home, and a federal statute which makes the receipt of federal foster care funding contingent on reasonable efforts being made. Neither of these implicate the termination of parental rights. In any event, there was sufficient evidence in the record from which the Circuit Court could conclude, as it did on many occasions, that the Family Independence Agency had made reasonable efforts.

Finally, appellant, in a conclusory statement in his brief, asserts that termination of parental rights "does not reflect the best interest of the child." However, he did not raise this issue in his statement of questions presented and, therefore, this issue is not preserved for appeal. *Yarbrough, supra*. In addition, it is insufficient to merely allege that termination of parental rights is not in the best interest of the child; it is necessary to offer evidence that termination would clearly not be in the child's best interest. *In re Hall-Smith, supra*. Appellant offered no evidence at the termination hearing from which the court could conclude termination was clearly not in Cody's best interest.

Affirmed.

/s/ Donald S. Owens
/s/ Janet T. Neff
/s/ E. Thomas Fitzgerald