

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHELL STALTER,

Respondent-Appellant,

and

TREVOR STALTER,

Respondent.

UNPUBLISHED

January 16, 2001

No. 225400

Gladwin Circuit Court

Family Division

LC No. 98-000102-NA

Before: Markey, P.J., and Whitbeck and J. L. Martlew*, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the family court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (c)(ii), (g), (i), (j), and (l); MSA 27.3178(598.19b)(3)(c)(i), (c)(ii), (g), (i), (j), and (l). We affirm.

Based on our review of the record, we conclude that the family court did not clearly err in finding that subsections 19b(3)(c)(i), (c)(ii), (g), and (j) were all established by clear and convincing evidence.¹ In particular, we note that termination was clearly justifiable under subsection (g). Respondent-appellant's willingness to live in utterly deplorable conditions as well as her inappropriate discipline techniques and failure to make any significant improvement through her parenting classes demonstrate that she will not be likely to provide proper care and

¹ MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

* Circuit judge, sitting on the Court of Appeals by assignment.

custody for her child. Given the child's special needs and respondent-appellant's past failures in this area, termination at this time was appropriate even though respondent-appellant had found a marginally better home. Further, the evidence did not establish that termination of respondent-appellant's parental rights was clearly not in the child's best interests.² Thus, we hold the family court did not err by terminating respondent-appellant's parental rights to the child.³

We decline to reach the merits of respondent-appellant's constitutional challenges to §§ 19b(3)(i) and (l). Because only one statutory ground is required in order to terminate parental rights,⁴ respondent-appellant's constitutional challenges, even if successful, would not merit any relief. We decline to reach constitutional questions that are not necessary to resolve the case at hand.⁵

Affirmed.

/s/ Jane E. Markey
/s/ William C. Whitbeck
/s/ Jeffrey L. Martlew

² MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors*, 462 Mich 341, 354; 612 NW2d 407 (2000).

³ *Trejo, supra* at 356-357.

⁴ *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999).

⁵ *Booth Newspapers, Inc v University of Michigan Bd of Regents*, 444 Mich 211, 234; 507 NW2d 422 (1993).