

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of YOKIA SIENNA¹ BRANDON-
McDONALD, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

UNPUBLISHED
February 27, 2001

v

YOLANDA McDONALD

Respondent,

No. 227594
Wayne Circuit Court
Family Division
LC No. 97-362265

and

RODNEY TYRONE BRANDON,

Respondent-Appellant.

Before: Smolenski, P.J., and Jansen and Fitzgerald, JJ.

MEMORANDUM.

Respondent-Appellant Rodney Tyrone Brandon (respondent) appeals as of right the May 9, 2000, order terminating his parental rights to the minor child (dob: 11/05/97) pursuant to MCL 712A.19b(3)(c)(i), (g), and (j); MSA 17.3178(598.19b)(3)(c)(i), (g), and (j).² We affirm.

¹ The order terminating parental rights has the child's middle name as "Sienna." However, a review of the lower court record indicates that the child's actual middle name is "Siearra."

² Although the order terminating the parental rights of both parents also refers to § 19b(a)(ii) as a grounds for termination of parental rights (desertion of the child for more than 91 days), it appears that this ground for termination is applicable only to the natural mother. Nonetheless, only one statutory ground for termination is necessary to terminate parental rights. MCL 712A.19b(3); MSA 27.3178(598.19b)(3).

We review a family court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Trejo*, 462 Mich 341, 356; 612 NW2d 407 (2000). If a family court determines that the petitioner has proven by clear and convincing evidence one or more statutory grounds for termination, the court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *Trejo, supra* at 351-354.

We disagree with respondent's argument that the trial court erred when it found that one or more grounds for termination were established by clear and convincing evidence. The record shows that respondent's substance abuse, which in part led to the child becoming a ward of the court shortly after her birth in 1997, still existed at the time the court terminated parental rights in 2000. In addition, there was no convincing evidence in the record indicating that respondent's continuing abuse of alcohol would be rectified within a reasonable time. MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i). We conclude that the trial court did not clearly err when it found one or more grounds for termination were established by clear and convincing evidence, and that termination was not against the best interests of the child. *Trejo, supra*.

Affirmed.

/s/ Michael R. Smolenski

/s/ Kathleen Jansen

/s/ E. Thomas Fitzgerald