

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MONTANA R. HART, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LYLE HART,

Respondent-Appellant,

and

NELDA HART,

Respondent.

In the Matter of MONTANA R. HART, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

NELDA HART,

Respondent-Appellant,

and

LYLE HART,

Respondent.

UNPUBLISHED

August 14, 2001

No. 231751

Alcona Circuit Court

Family Division

LC No. 97-001924-NA

No. 232436

Alcona Circuit Court

Family Division

LC No. 97-001924-NA

Before: Wilder, P.J., and Hood and Griffin, JJ.

MEMORANDUM.

In these consolidated appeals, respondent-father appeals as of right and respondent-mother by delayed leave granted from the family court order terminating their parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g) and (l). We affirm.

The family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence with respect to both respondents. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondents' parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the family court did not err in terminating respondent- appellants' parental rights to the child.

In Docket No. 232436, respondent-mother also argues that MCL 712A.19b(3)(c)(l) and (m) are unconstitutional. Contrary to respondent-mother's suggestion, the trial court did not rely on § 19b(3)(c)(m) as a statutory basis for termination, and the voluntary relinquishment of her parental rights to a previous child was not at issue. Moreover, because respondent-mother failed to raise this issue below, and it need not be addressed by this Court because it is not decisive to the outcome of the case. *People v Jensen*, 222 Mich App 575, 579; 564 NW2d 192 (1997). Only one statutory ground need be proved by clear and convincing evidence. *In re Trejo, supra*.

Affirmed.

/s/ Kurtis T. Wilder
/s/ Harold Hood
/s/ Richard Allen Griffin