

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.M-N.M., DUS.A.M., and
DES.A.M., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JENNIFER DAWN MCVEY,

Respondent-Appellant,

and

GEORGE ALLEN MCVEY and JOHN WOOD,

Respondents.

UNPUBLISHED
November 27, 2001

No. 228476
Wayne Circuit Court
Family Division
LC No. 93-307808

Before: Holbrook, Jr., P.J., and Cavanagh and Gribbs*, JJ.

PER CURIAM.

Respondent mother appeals as of right from the trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Respondent first came to the attention of petitioner in 1993, after respondent's two older children were taken into police custody because respondent was observed being verbally and physically abusive to the children. Respondent was pregnant with Des.A.M. at the time. Des.A.M. was taken into custody soon after her birth. Several parent/agency agreements were entered into in the succeeding years. All these agreements focused on continuing problems of substance abuse, suitable housing, domestic violence, income, and parenting skills. Over the years, considerable services have been provided, and attempts at reunification have been made. The children were removed for the final time from respondent's custody in May 1999, and her parental rights were terminated in an order dated May 15, 2000.

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

Respondent first argues that the trial court clearly erred in finding that the statutory grounds for termination had been established by clear and convincing evidence. *In re Miller*, 182 Mich App 70, 84; 451 NW2d 576 (1990). We disagree. We are somewhat disadvantaged in our review of the court's findings with regard to § 19b(3)(c)(i) because some documents are missing from the record. However, the record clearly establishes no error with regard to §§ 19b(3)(g) and (j). Because only one statutory ground for termination is required to terminate parental rights, it is not necessary to decide whether termination was also warranted under § 19b(3)(c)(i). *In re Trejo Minors*, 462 Mich 341, 360; 612 NW2d 407 (2000)(observing that once a single statutory ground is established, "it is technically unnecessary to address [additional grounds] . . . for termination").

Despite six years of services, the evidence adduced below established that respondent had not addressed her ongoing substance abuse problem, that suitable safe housing had not been obtained, and that respondent continued to be emotionally and physically abusive toward the children. There was testimony that respondent had tested positive for drugs, including twice in 1999, and that alcohol was hidden in the house that same year. Respondent had lived in eleven different homes since 1993. Since 1997, utilities for respondent's residences had been placed in the children's names on three different occasions. The children's father admitted that the home the family was living in at the time the children were removed for the last time was often unsanitary and unsafe, including problems with lead paint and rodents. Indeed, Des.A.M. tested positive for lead poisoning. There was evidence that respondent had severe psychological problems, and that she had not followed through on her course of treatment. There is also evidence that Des.A.M. had been slammed against the floor and that respondent had threatened to beat A.M.-N.M. "bloody" if the incident was reported. The record further establishes that Des.A.M.'s chronic medical needs were not being met, that Des.A.M. had missed school because respondent made the child stay home to clean the house, and that the children had special emotional needs resulting, in part, from their treatment at the hands of respondent. There is no evidence that respondent is equipped to deal with the children's special needs.

We believe this evidence shows both that there was no reasonable expectation that respondent would be able to provide proper care and custody for her children within a reasonable time, MCL 712A.19b(3)(g), and that there is a reasonable likelihood the children would be harmed if returned to respondent's home, MCL 712A.19b(3)(j).

Once a trial court determines that one or more grounds for termination has been established by clear and convincing evidence, the trial court must terminate parental rights unless "there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo, supra* at 354. Respondent argues that the trial court erred in finding that there was no evidence that termination is not in the children's best interests. We disagree. In addition to the evidence reviewed above, the record shows that while some progress was made periodically through the six years, respondent always slid back into the type of conduct that brought the children to petitioner's attention. Despite some evidence of a continuing bond between the children and respondent, we are convinced that the trial court did not err on this issue. Accordingly, we believe the trial court did not err in terminating respondent's parental rights.

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ Mark J. Cavanagh

/s/ Roman S. Gribbs