

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.O. and J.O., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KATHY OTTENBACHER and DALE
OTTENBACHER,

Respondent-Appellants.

UNPUBLISHED

June 21, 2002

No. 235742

St. Clair Circuit Court

Family Division

LC No. 00-000881-NA

Before: Zahra, P.J., and Cavanagh and White, JJ.

MEMORANDUM.

Respondents appeal as of right from the trial court order terminating their parental rights to the minor children under MCL 712A.19b(3)(g) (parent, without regard to intent, fails to provide proper care or custody and no expectation that will be able to do so within reasonable time), (j) (reasonable likelihood, based on conduct or capacity of parent, that child will be harmed if returned to parents' home), and (k)(iii) or (v) (parent abused child or sibling of child and abuse included severe physical abuse or life threatening injury). We affirm.

Only one statutory ground for termination need be established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 360; 612 NW2d 407 (2000). Regarding AO, the trial court did not clearly err in finding that statutory grounds § 19b(3)(g), (j) and (k) were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Regarding JO, the trial court did not clearly err in finding clear and convincing evidence supported termination of respondents' parental rights under § 19b(3)(k). Although respondents' parenting with respect to JO was in stark contrast to their extreme neglect of AO, we can not say the trial court clearly erred in concluding that it was not established that termination of respondents' parental rights was not in JO's best interests where there was testimony that respondents were casual regarding JO's medical needs and that without long-term outside support to respondents, both children would be in danger in respondents' care. Thus, the trial court did not clearly err in terminating respondents' parental rights to the children. MCL 712A.19b(5); *In re Trejo*, *supra* at 356-357.

Affirmed.

/s/ Brian K. Zahra
/s/ Mark J. Cavanagh
/s/ Helene N. White