

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of S.J., J.J. and J.J., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JERRY JENNINGS and CORETTA BADGER,

Respondents-Appellants.

UNPUBLISHED

September 27, 2002

No. 239484

Kent Circuit Court

Family Division

LC No. 98-230700-NA

Before: Whitbeck, C.J., and Sawyer and Kelly, JJ.

MEMORANDUM.

Respondent mother appeals by leave the trial court's order terminating her parental rights to her children pursuant to MCL 712A.19b(3)(c)(i) and (g). Respondent father appeals by leave the trial court's order terminating his parental rights to the children pursuant to MCL 712A.19b(3)(h). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

During the termination hearing, respondent Badger admitted to an ongoing alcohol addiction and acknowledged that she would be unable to care for the children for an appreciable length of time while she worked on her treatment plan. Thus, the trial court did not clearly err in finding that the statutory ground for termination found in MCL 712A.19b(3)(g) was established by clear and convincing evidence. Because the trial court need only find one ground for termination, we need not reach the issue of whether respondent's parental rights were properly terminated under MCL 712A.19b(3)(c)(i). *In re Trejo, supra*, 462 Mich 350.

We also find that the trial court did not clearly err in holding that termination of respondent Jennings' parental rights was warranted under MCL 712A.19b(3)(h). Respondent has been sentenced to a lengthy period of incarceration for criminal sexual conduct involving a fifteen year old. The evidence demonstrated that petitioner, and not respondent, placed the children into new homes thereby providing for their care and custody.

The evidence presented did not indicate that termination would clearly not be in the children's best interests. Therefore, the trial court did not clearly err in terminating respondents' parental rights to the children. MCR 5.974(I).

Affirmed.

/s/ William C. Whitbeck
/s/ David H. Sawyer
/s/ Kirsten Frank Kelly