

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of D.C.K., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

HUBERT SMELLEY,

Respondent-Appellant,

and

DIANE PATRICIA KIMBROUGH

Respondent.

UNPUBLISHED

October 22, 2002

No. 237831

Wayne Circuit Court

Family Division

LC No. 97-361021

Before: Hoekstra, P.J., and Wilder and Zahra, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to his child pursuant to MCL 712A.19b(3)(c)(i), (g) and (j).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Given the evidence of respondent's continued and lengthy history of cocaine abuse and his failure to substantially comply with the agency/parent agreement, we find that the trial court did not clearly err in finding that § § 19b(3)(c)(i) and (g) were both established by clear and convincing evidence. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). Because only one statutory ground is required to terminate parental rights, *In re Trejo*, 462 Mich 341, 350; 612 NW2d 407 (2000), we need not decide whether termination of respondent's parental rights was also warranted under § § 19b(3)(j). Because respondent has failed to show that termination of his parental rights was clearly not in the child's best interests, MCL

¹ Non-participating mother Diane Patricia Kimbrough is not a party to this appeal.

712A.19b(5), the trial court did not err in terminating his parental rights to the child. *Trejo, supra*, 462 Mich 353-354.

In addition, the record does not factually support respondent's claim that petitioner failed to make reasonable efforts to reunite him with the child. MCL 712A.18f; MSA 27.3178(598.18f). On the contrary, the record discloses that services were provided, but respondent failed to follow through or take advantage of those services, choosing instead to undertake his own treatment plan. Accordingly, we reject respondent's claim that termination of parental rights was improper for failure to provide adequate services.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Kurtis T. Wilder
/s/ Brian K. Zahra