STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of B.J.S., K.S., K.S., D.S., J.S., and D.S., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DARLENE SPIVEY,

Respondent-Appellant,

and

BOBBY JOE SPIVEY, SR.,

Respondent.

UNPUBLISHED
October 29, 2002

No. 238226
Washtenaw Circuit Court
Family Division
LC No. 98-024688-NA

In the Matter of B.J.S., K.S., K.S., D.S., J.S., and D.S., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BOBBY JOE SPIVEY, SR.,

Respondent-Appellant,

and

DARLENE SPIVEY

Respondent.

No. 238410
Washtenaw Circuit Court
Family Division
LC No. 98-024688-NA

Before: Holbrook, Jr., P.J., and Zahra and Owens, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from an order terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i), (c)(ii) and (g). We affirm.

Respondents argue that the court erred in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). We disagree. We review the family court's findings under the clearly erroneous standard. *In re Trejo Minors*, 462 Mich 341, 358; 612 NW2d 407 (2000). "A finding is clearly erroneous where the reviewing court is left with a firm and definite conviction that a mistake has been made." *In re Jackson,* 199 Mich App 22, 25; 501 NW2d 182 (1993).

Although the trial court relied on §§ 19b(3)(c)(i), (c)(ii) and (g) as statutory basis for termination, respondent-mother only challenges the court's findings is regard to §§ 19b(c)(i) and (c)(ii). Because only one statutory ground is required to terminate parental rights, respondent-mother's failure to address § 19b(g) precludes appellate relief on this issue. In any event, we conclude that the family court did not err in finding that all three statutory grounds were established by clear and convincing evidence with respect to both respondents. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, *supra.*

While the record shows that true affection exists between respondents and their children, the record also clearly and convincingly establishes a pattern of serious neglect that threatens the children's welfare. The record establishes that despite extensive in-home and out-of-home services over the course of approximately three years, respondents were never able to properly care for their children.[1] The record indicates that those service workers who worked with respondents found them to be, for the most part, cooperative. Nonetheless, any progress that was made regarding the care of the children never lasted once the children were returned to respondents' care. For example, while the conditions of the home would improve while the children were in out-of-home placement, once they returned, the conditions of the home deteriorated to the point that the home environment was unsanitary and unfit. There was also ample evidence that respondents were unable to address the issue of extensive school absences.

Clear and convincing evidence was also adduced that respondents failed to protect their daughters from sexual abuse at the hands of guests welcomed into the home by respondents. At least one of these incidents occurred during the pendency of a court order that "there be no overnight guests, children or adults, in the Spivey home." This order was entered specifically because of concerns about over familiarity between respondents' daughters and male visitors, including an incident where a male visitor had slept in the girls' bedroom.

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[1] The evidence of the extensive in-home services provided to respondents distinguishes this case from *In re Newman,* 189 Mich App 61; 66; 472 NW2d 38 (1991).

Finally, respondents have not shown that the trial court clearly erred in its evaluation of the children's best interests. Once a trial court determines that one or more of the statutory 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 Minors, supra* at 358. The evidence adduced below does not show that termination was clearly not in the best interests of the children. MCL 712A.19b(5); *In re Trejo Minors, supra*. Accordingly, we conclude that the court did not err in terminating respondents' parental rights to the children.

Affirmed.

/s/ Donald E. Holbrook, Jr.
/s/ Brian K. Zahra
/s/ Donald S. Owens