

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JOHNNY JOHNATHON RILEY,
JR., and J'HNEA LANISE RILEY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOHNNY RILEY,

Respondent-Appellant,

and

DEONNA ATKINSON and TORIANO ABRAMS,

Respondents.

In the Matter of JOHNNY JOHNATHON RILEY,
JR., J'HNEA LANISE RILEY, TAMIA ALLYSE
ATKINSON, and INDIA ATKINSON, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DEONNA ATKINSON,

Respondent-Appellant,

and

UNPUBLISHED
February 12, 2004

No. 247813
Wayne Circuit Court
Family Division
LC No. 01-396689

No. 247910
Wayne Circuit Court
Family Division
LC No. 01-396689

JOHNNY RILEY and TORIANO ABRAMS,

Respondents.

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

PER CURIAM.

In Docket No. 247813, respondent-appellant Johnny Riley ("respondent-father") appeals as of right from the trial court's order terminating his parental rights to the minor children, Johnny and J'Hnea, pursuant to MCL 712A.19b(3)(c)(i), (g), (h) and (j). In Docket No. 247910, respondent-appellant Deonna Atkinson ("respondent-mother") appeals as of right from the trial court's separate orders terminating her parental rights to the three oldest children, Johnny, J'Hnea and Tamia, pursuant to MCL 712A.19b(3)(c)(i), (g) and (j), and terminating her parental rights to the youngest child, India, pursuant to MCL 712A.19b(3)(a)(ii), (b)(ii), (g), (i) and (j). We affirm.

I. Docket No. 247813

Only a single statutory ground is required to terminate parental rights. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). Here, the trial court did not clearly err in determining that § 19b(3)(h) was established by clear and convincing evidence. MCR 3.977(J), formerly MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

It is undisputed that respondent-father was sentenced to a term of life imprisonment for murder. Despite his imprisonment, he argues that the trial court should not have terminated his parental rights because he identified two relatives who were available to care for the children and because he was also able to maintain a relationship with the children while in prison. We disagree.

Although the trial court could have placed the children with a relative instead of terminating respondent-father's parental rights if doing so would have been in the children's best interests, *In re McIntyre*, *supra* at 52, conflicting evidence was presented regarding whether the proposed relatives were suitable caretakers. The court did not clearly err in finding that neither relative was suitable. Moreover, even if one of the relatives could be considered a suitable caretaker, the evidence did not show that the children's best interests would be served by placing them with a relative in order to preserve respondent-father's parental bond with the children. On the contrary, the evidence failed to show that respondent-father had a strong bond with either child, and it was clear that he had no reasonable expectation of caring for either child in the foreseeable future. The trial court did not clearly err in finding that the termination of respondent-father's parental rights was in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

II. Docket No. 247910

With regard to respondent-mother, the trial court did not clearly err in finding that §§ 19b(3)(c)(i), (g) and (j) were each established by clear and convincing evidence with respect to the three older children. See MCR 3.977(J); *In re Miller, supra*. Termination was warranted in light of the evidence that she failed to make sufficient progress in her treatment plan to demonstrate that the children would be safe in her care.

Respondent-mother argues that she did not complete her treatment plan because she did not get along with her caseworker, who, according to respondent-mother, only spoke to her when respondent-mother initiated conversations. Despite their differences, the evidence demonstrated that respondent-mother was provided with necessary services to complete her treatment program, but failed to follow through on the requirements. Her poor relationship with her caseworker does not excuse her failure to complete the treatment plan requirements.

Respondent-mother also argues that she should have been allowed three to six additional months to work on her treatment plan. A psychologist who evaluated respondent-mother reluctantly recommended that she be given additional time to work on her treatment goals, but qualified this recommendation as applying only if respondent-mother was "invested in having her children returned." The psychologist also recommended that respondent-mother begin therapy immediately. Respondent-mother did not immediately begin therapy, although she took some steps to start the process. Even after the recommendation was made to the court, respondent-mother failed to demonstrate that she was committed to completing all requirements of her treatment plan or invested in having her children returned to her care. The trial court did not clearly err in finding that a reasonable delay would not have enabled respondent-mother to complete her treatment goals and be in a position where she could provide proper care and custody.

Regarding respondent-mother's parental rights to India, we agree that the trial court erred insofar that it relied on § 19b(3)(a)(ii). There was no evidence that respondent-mother abandoned the child. Rather, it appears that § 19b(3)(a)(ii) is applicable only to India's unknown father. Nonetheless, termination of parental rights requires only that a single statutory ground be proven. *In re McIntyre, supra* at 50. For the same reasons that respondent-mother's parental rights were properly terminated to the older children, her parental rights to India were properly terminated under §§ 19b(3)(g), (j) and (i).

We also agree that termination of respondent-mother's parental rights to India was warranted under § 19b(3)(b)(ii). Contrary to what respondent-mother argues, that subsection does not require intentional injury to a child. Here, the evidence established that India was severely burned because respondent-mother allowed her to sleep on a mattress next to a radiator. Although a crib was available for the child, respondent-mother failed to protect India by placing her in a crib, and instead allowed her to sleep on a mattress in an unsafe place. Further, respondent-mother was apparently drinking at the time.

Respondent-mother also challenges the trial court's decision to terminate her parental rights based on the children's best interests. She argues that she was bonded to the children and demonstrated that she could act appropriately with them. We find no clear error with the trial court's findings regarding the children's best interests. See *In re Trejo, supra*. While there was

evidence that respondent-mother had a bond with her children, it did not appear very strong. The children needed permanency in their lives and it was apparent that respondent-mother could not provide permanency in the foreseeable future. The trial court did not err in finding that termination of respondent-mother's parental rights was in the children's best interests.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Hilda R. Gage

/s/ Brian K. Zahra