

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of BRANDEN CLARK, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BERNICE CLARK,

Respondent-Appellant,

and

RONALD PLANK,

Respondent.

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UNPUBLISHED

April 13, 2004

No. 251379

Kent Circuit Court

Family Division

LC No. 95-001258-NA

Before: Cavanagh, P.J., and Murphy and Smolenski, JJ.

PER CURIAM.

Respondent Bernice Clark (hereafter “respondent”) appeals as of right from an order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g) and (i). We affirm.

Respondent argues that there was insufficient evidence to justify terminating her parental rights to the child. We disagree.

The existence of a statutory ground for termination must be proven by clear and convincing evidence. MCR 3.977(F)(1)(b) and (G)(3)<sup>1</sup>; *In re Miller*, 433 Mich 331, 344-345; 445 NW2d 161 (1989). The trial court’s findings of fact are reviewed for clear error and may not be set aside unless this Court is left with a definite and firm conviction that a mistake has been made. MCR 3.977(J); *In re Conley*, 216 Mich App 41, 42-43; 549 NW2d 353 (1996).

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<sup>1</sup> The court rules governing child protective proceedings were amended and recodified as part of new MCR subchapter 3.900, effective May 1, 2003. This opinion refers to the rules in effect at the time the child was taken into care.

The trial court did not clearly err in finding that §§ 19b(3)(g) and (i) were each established by clear and convincing evidence. The evidence clearly and convincingly showed that respondent, who had a prior history of abusing illegal drugs, was now abusing prescription drugs and refused to admit or address the problem. Additionally, the evidence showed that respondent failed to maintain stable housing and continued her relationship with the child's father despite his temper, mental illness, prescription and illegal drug use, and criminality. Termination of respondent's parental rights was also proper under § 19b(3)(i), because it was undisputed that respondent's parental rights were previously terminated to three other children and respondent's continued abuse of prescription pain medication clearly showed that attempts to rehabilitate her had not been successful.

Because only a single statutory ground is required in order to terminate parental rights, § 19b(3), we need not address whether termination of respondent's parental rights was also warranted under § 19b(3)(c)(i).

Concerning the child's best interests, the evidence indicated that the child was doing well in foster care, was developing at an appropriate pace for his age, and had adjusted to day care. The evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353-354, 356; 612 NW2d 407 (2000). The trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Mark J. Cavanagh  
/s/ William B. Murphy  
/s/ Michael R. Smolenski