

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of CARLENE EDISON, PAUL  
MCGILBERRY, EARL PHILLIP MCGILBERRY,  
CAROLYN MCGILBERRY, ROYALE  
MCGILBERRY, and CHAFONE MCGILBERRY,  
Minors.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PAUL MCGILBERRY,

Respondent-Appellant,

and

CAROLYN EDISON,

Respondent.

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In the Matter of CARLENE EDISON, PAUL  
MCGILBERRY, EARL PHILLIP MCGILBERRY,  
CAROLYN MCGILBERRY, ROYALE  
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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CAROLYN EDISON,

Respondent-Appellant,

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UNPUBLISHED  
December 1, 2005

No. 261702  
Wayne Circuit Court  
Family Division  
LC No. 88-268316-NA

No. 261703  
Wayne Circuit Court  
Family Division  
LC No. 88-268316-NA

and

PAUL MCGILBERRY,

Respondent.

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Before: Whitbeck, C.J., and Saad and O'Connell, JJ.

PER CURIAM.

Respondents appeal the trial court's order that terminated their parental rights to their minor children under MCL 712A.19b(3)(g) and, regarding only respondent-mother, MCL 712A.19b(3)(l). We affirm.

To terminate parental rights, the Department of Human Services must establish at least one statutory ground for termination by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). After the trial court concludes that the Department has established a statutory ground for termination, the court must terminate the respondent's parental rights unless termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 352-353; 612 NW2d 407 (2000). This Court reviews both decisions for clear error. MCR 3.977(J); *In re Trejo, supra* at 355-357, 365.

Respondent has voluntarily and involuntarily relinquished custody of numerous children since the 1970s. On August 18, 1993, the trial court terminated respondent mother's parental rights to one daughter, Felicia. Thereafter, on January 18, 2001, the Department placed six of respondent's children into temporary custody. The Department's referral noted that the children were hungry and living in a filthy home with no heat. After respondents initially complied with their treatment plan, the trial court dismissed the wardship on August 26, 2002.

Police returned to respondents' home on May 1, 2004, and found that the basement was flooded, there was virtually no food in the house and the living conditions were filthy. Police officers also found that the children were dirty and the house had almost no furnishings. Testimony further established that two dead dogs floated in the flooded basement and that the home smelled like urine and feces and did not have a working heating system or toilet.

The trial court did not err when it terminated respondent mother's parental rights. MCL 217A.19b(3) provides, in relevant part:

The court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, 1 or more of the following:

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(l) The parent's rights to another child were terminated as a result of proceedings under section 2(b) of this chapter or a similar law of another state.

The record reflects, and respondent mother does not dispute, that clear and convincing evidence established that the court terminated her rights to a daughter in 1993. Accordingly, we need not address whether the trial court correctly found an additional statutory ground. See *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2001). However, respondent mother's chronic inability to provide safe, sanitary housing, despite her receipt of numerous services, demonstrated that she failed to provide proper care and custody and was unlikely to do so within a reasonable time under MCL 712A.19b(3)(g).

We also hold that the trial court correctly found that evidence failed to show that termination was not in the best interests of the children. For years, respondents failed to maintain safe, sanitary housing. Despite repeated intervention and services, respondents repeatedly returned to living in squalor and never obtained stable housing. Further, notwithstanding numerous opportunities to improve their living situation, respondents repeatedly failed to do so. It is abundantly clear from the record that respondents raised the children in unsanitary, unhealthy, and unsafe conditions for many years and that those conditions are not likely to change.

The trial court did not err when it held that termination of both respondents' parental rights was not against the children's best interests and terminated respondents' parental rights.

Affirmed.

/s/ William C. Whitbeck

/s/ Henry William Saad

/s/ Peter D. O'Connell