

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MONEISHA ANN CLAXTON
and BABY GIRL BUTLER, a/k/a MARY ANN
CLAXTON, a/k/a MARY ANN BUTLER,
Minors.

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

Petitioner-Appellee,

v

STEVEN MARCUS CLAXTON,

Respondent-Appellant.

UNPUBLISHED
December 13, 2005

No. 261927
Wayne Circuit Court
Family Division
LC No. 99-383421-NA

Before: Cavanagh, P.J., and Cooper and Donofrio, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993). This Court reviews the trial court's findings of fact under the clearly erroneous standard. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The trial court erred to the extent that it relied on § 19b(3)(c)(i) as a statutory basis for terminating respondent's parental rights. That subsection applies when the conditions that led to adjudication continue to exist and have not been rectified. In this case, the children were adjudicated court wards because of circumstances involving their mother, Vicky Butler, who died while this case was pending. Thus, the conditions involving Butler no longer existed at the time of the termination hearing.

But only a single statutory ground for termination is required to terminate parental rights. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). Here, the trial court did not clearly err in finding that §§ 19b(3)(c)(ii), (g), and (j) were each established by clear and convincing

evidence. Although the trial court did not determine that respondent was responsible for the conditions that led to the adjudication, respondent's failure to protect the children from those conditions was a sufficient independent cause for jurisdiction under MCL 712A.2(b). See *In re CR*, 250 Mich App 185, 207; 646 NW2d 506 (2002) (stating that the respondent had an independent duty to ensure that his children were living in a safe home with adequate supervision, irrespective of his role in causing the unfit conditions in the home).

There was sufficient evidence that respondent neglected or refused to provide for the children's care, and his neglect caused them to live in an unfit home. Respondent never remedied his neglect of the children. Although respondent received custody of his two sons, he delegated his childcare responsibilities to his parents, and never cared for the children full time. Respondent ignored his older daughter during visits and failed to attend to the girls' medical and academic needs. His belligerent and hostile behavior throughout this case demonstrated his inability to appreciate his children's needs and place them above his own.

Respondent's minimal compliance with the treatment plan does not negate the trial court's findings. A parent must not only participate in services, but must benefit sufficiently so that the children can safely be returned home. *In re Gazella*, 264 Mich App 668, 676-677; 692 NW2d 708 (2005). Although respondent completed parenting classes and attended therapy sessions, there is no indication that he derived any benefit from these services, or acquired any insights into his children's problems or his own shortcomings as a parent. Respondent's continued neglect of the children, and his failure to rectify that neglect, supports the trial court's decision to terminate his parental rights under § 19b(3)(c)(ii). The evidence additionally supports the trial court's decision to terminate his parental rights under §§ 19b(3)(g) and (j).

Finally, contrary to respondent's assertions, there was no evidence that the children had a bond with respondent, or that he was able to provide them with stability. Respondent's older daughter was completely alienated from respondent, largely because he refused to interact with her during visits. The younger daughter never lived with respondent full time, and there was no evidence she was attached to him. Thus, the evidence did not clearly show that termination of respondent's parental rights was not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, *supra* at 353.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Jessica R. Cooper

/s/ Pat M. Donofrio