

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TIERRA CHAMPAINE
COLLINS and EMERALD LYNN COLLINS,
Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

COREY D. KING,

Respondent-Appellant.

UNPUBLISHED
December 27, 2007

No. 277481
Wayne Circuit Court
Family Division
LC No. 00-394515-NA

Before: Saad, P.J., and Owens and Kelly, JJ.

PER CURIAM.

Respondent appeals the trial court's order that terminated his parental rights to the minor children under MCL 712A.19b(a)(ii), (c)(i), (g), and (j). For the reasons stated in this opinion, we affirm.

As an initial matter, we reject respondent's challenge to the trial court's exercise of jurisdiction over the children. Respondent had prior opportunities to challenge the trial court's jurisdictional decision in an appropriate motion for rehearing, see MCR 3.992 (formerly MCR 5.992), and by direct appeal, see MCR 3.993(A)(1) (formerly 5.993(A)[1]). Accordingly, he may not now collaterally attack the court's jurisdictional decision in this appeal from the order terminating his parental rights.¹ *In re Gazella*, 264 Mich App 668, 679; 692 NW2d 708 (2005); *In re Powers*, 208 Mich App 582, 587-588; 528 NW2d 799 (1995).

¹ We note that the record reflects that the trial court exercised jurisdiction over the children pursuant to the mother's plea of admission. Because the court's jurisdiction is tied to the children, the court is not required to conduct separate adjudicative proceedings with respect to each parent before acting in a dispositional capacity. *In re CR*, 250 Mich App 185, 205; 646 NW2d 506 (2001).

Respondent claims that the trial court erred when it found clear and convincing evidence established the grounds for termination. We review the trial court's findings of fact for clear error. MCR 3.977(J); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003).

Only one statutory ground for termination is required to support a termination order. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000). Contrary to respondent's assertion, the trial court did not rely on § 19b(3)(b)(ii) as a basis for termination. Rather, the trial court's findings from the bench and its written order both indicate that the court terminated his parental rights under §§ 19b(3)(a)(ii), (c)(i), (g), and (j). Although respondent acknowledges in his brief that his parental rights were terminated under §§ (a)(ii) and (c)(i), he does not address either of those grounds on appeal. Respondent's failure to address these necessary issues precludes appellate relief with respect to his argument that a statutory ground for termination was not established. See *Roberts & Son Contracting, Inc v North Oakland Dev Corp*, 163 Mich App 109, 113; 413 NW2d 744 (1987) (an appellant's failure to address a necessary issue precludes appellate relief).

Further, we find no clear error in the trial court's finding that §§ 19b(3)(g) and (j) were each established by clear and convincing evidence. Because the mother never entrusted Emerald to respondent's care and Tierra was placed in foster care after being taken from respondent in February 2002, respondent's parental fitness could only be judged in other ways, such as compliance with his court-ordered treatment plan. *In re Sours*, 459 Mich 624, 638; 593 NW2d 520 (1999); see also *In re JK*, *supra* at 214. Contrary to respondent's assertions, the abuse allegations that arose after Tierra was placed in foster care in February 2002 were not significant to the trial court's decision. The court's findings were based on respondent's lack of progress with other aspects of his treatment plan, which were directed at providing the children with a drug-free, stable home environment. The record shows that respondent had long-term, ongoing problems with providing drug screens and returning to marijuana use and repeated deficiencies in documenting a legal source of income. Respondent also failed to show that he could obtain and maintain a stable home environment for the children. Although respondent had positive interaction with the children in a supervised visitation setting before he stopped visiting them in August 2006, the court could reasonably infer from the evidence that respondent's continued instability would harm the children if they were placed in his home. Therefore, we find no clear error in the trial court's decision to terminate respondent's parental rights under §§ 19b(3)(g) and (j).

Finally, examined in its entirety, 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*, 462 Mich 341, 354; 612 NW2d 407 (2000). Therefore, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Henry William Saad
/s/ Donald S. Owens
/s/ Kirsten Frank Kelly