

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SAMARIA JOHNNIAH DAVIS-
ODOM, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JOHNATHAN DAVIS,

Respondent-Appellant,

and

ALFREDIA ODOM,

Respondent.

UNPUBLISHED

January 10, 2008

No. 279583

Wayne Circuit Court

Family Division

LC No. 91-296679

Before: Fitzgerald, P.J., and Markey and Smolenski, JJ.

MEMORANDUM.

Respondent Johnathan Davis appeals as of right from an order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (i), (j), and (m). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that statutory grounds to terminate respondent's parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633: 593 NW2d 520 (1999).

The evidence is clear that respondent voluntarily relinquished his parental rights to his daughter Aja on March 5, 2007, after proceedings under section 2(b) had been initiated, thus establishing MCL 712A.19b(3)(m). There is no requirement in subsection (m) with regard to rehabilitation attempts.¹ Although the trial court need only find the evidence clear and

¹ The trial court erred in finding MCL 712A.19b(3)(i) established with respect to respondent.
(continued...)

convincing pursuant to one statutory subsection in order to terminate parental rights, the court did not clearly err in also relying on MCL 712A.19b(3)(g) and (j). Respondent knew that respondent-mother abused drugs and gave birth to a drug-addicted baby a year before the minor child was born, and he was ordered to stay away from her. Respondent, however, was unable to do so and continued contact with respondent-mother, resulting in another pregnancy and the minor child being born with respondent-mother having no prenatal care and once again testing positive for drugs when she gave birth. In addition, respondent's care plan was to have his mother care for the minor child while he was at work. The Clinic for Child Study done on respondent a year earlier stated that respondent was unable to care for his own basic needs, and respondent testified that his mother heard voices. Further, respondent had been given a year to change during the proceedings concerning Aja, but he was unable to do so.

Finally, the evidence did not establish that termination was contrary to the best interests of the minor child, and the trial court did not clearly err in its best interests determination. MCL 712A.19b(5).

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Jane E. Markey

/s/ Michael R. Smolenski

(...continued)

This section applied only to the minor child's mother.