

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DAQUAN ELIJAH WHITE,
ASIANNA LE'ANNA HASKINS, and ALVIN
LAMONT HASKINS III, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MAHAGANI M. WHITE

Respondent-Appellant,

and

ALVIN L. HASKINS,

Respondent.

UNPUBLISHED
December 15, 2009

No. 290806
Wayne Circuit Court
Family Division
LC No. 01-399580

Before: Servitto, P.J., and Fort Hood and Stephens, JJ.

PER CURIAM.

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

Although respondent argues that the trial court erred in finding that the various statutory grounds for termination were established, she fails to explain what particular element or elements of each statutory ground she believes was not established. An appellant may not leave it to this Court to discover and rationalize the basis for a claim. *McIntosh v McIntosh*, 282 Mich App 471, 485; 768 NW2d 325 (2009). Nonetheless, we have reviewed the trial court's findings in light of the evidence presented and find no clear error in the trial court's determination that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003). Moreover, petitioner was only required to establish one statutory ground for termination. *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Respondent has not presented any argument concerning the trial court's determination that the requisite 91-day period for establishing desertion under § 19b(3)(a)(ii) was proven. But even if desertion was not established, or if it was inappropriate to rely on that statutory ground because it was not identified in the petition, the evidence that respondent failed to visit the children after June 2008, despite the opportunity to do so, was probative of her inability or unwillingness to properly care for the children. *In re Sours*, 459 Mich 624, 639 n 3; 593 NW2d 520 (1999). Further, considering the services that were provided to respondent during the more than six years that the children were in foster care, which were designed to assist respondent in acquiring independent living skills and to provide proper care and supervision of the children, and respondent's concession that she still was not ready for the children to be returned to her care, the trial court did not clearly err in finding that §§ 19b(3)(c)(i) and (g) were both established.

We find no merit to respondent's suggestion that her inability to rectify the conditions that led to the adjudications, or that her inability to provide proper care and custody is attributable to petitioner. Respondent was given two opportunities to have the children returned to her care, the first of which occurred when respondent stayed with her newborn son at the Denby Maternity Center, and the second of which occurred when respondent's daughter was placed in her home after respondent completed a residential drug treatment program. Both placements were unsuccessful and the children were thereafter placed in foster care. The record does not support respondent's argument that petitioner failed to make reasonable efforts to reunify respondent with the children. *In re Fried*, 266 Mich App 535, 540; 702 NW2d 192 (2005).

In addition, the trial court did not clearly err in finding that § 19b(3)(j) was established by clear and convincing evidence. Although respondent periodically complied with her treatment plan, her lack of consistency and her failure to adequately benefit from services supports the trial court's decision. "[A] parent must benefit from services offered so that he or she can improve parenting skills to the point where the children will not longer be at risk in the parent's custody." *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005), superseded in part on other grounds *In re Hansen*, 285 Mich App 158, 163; --- NW2d ---- (2009).

Finally, to the extent that respondent's second stated issue is directed at the trial court's best interests determination under MCL 712A.19b(5), she has abandoned that issue by failing to address it in her brief. "It is axiomatic that where a party fails to brief the merits of an allegation of error, the issue is deemed abandoned by this Court." *Prince v McDonald*, 237 Mich App 186, 197; 602 NW2d 834 (1999). Nevertheless, petitioner and the minor children both address this issue in their briefs and we are persuaded by their arguments that the trial court did not clearly err in finding that termination of respondent's parental was in the children's best interests. MCR 3.977(J); MCL 712A.19b(5); *In re JK*, *supra* at 209.

Affirmed.

/s/ Deborah A. Servitto
/s/ Karen M. Fort Hood
/s/ Cynthia Diane Stephens