STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
March 10, 2016

In re M. L. BROWN, Minor.

No. 327837
Wayne Circuit Court
Family Division
LC No. 01-400034-NA

Before: SAAD, P.J., and SAWYER and HOEKSTRA, JJ.

PER CURIAM.

Respondent appeals the trial court's order that terminated her parental rights to the minor child under MCL 712A.19b(3)(g), (i), (j), and (*l*). For the reasons provided below, we affirm.

A trial court must terminate a respondent's parental rights if it finds that a statutory ground under MCL 712A.19b(3) has been established by clear and convincing evidence and that termination is in the children's best interests. *In re White*, 303 Mich App 701, 713; 846 NW2d 61 (2014).

Respondent argues that the trial court clearly erred in finding clear and convincing evidence to support the statutory grounds for termination of her parental rights because there was no evidence to support termination under MCL 712A.19b(3)(g) or (j). However, this issue is waived because respondent stipulated to the statutory grounds for termination at the April 14, 2015, hearing. See *Kloian v Domino's Pizza, LLC*, 273 Mich App 449, 455 n 1; 733 NW2d 766 (2006); *Jack v Jack*, 239 Mich App 668, 672; 610 NW2d 231 (2000). Furthermore, on appeal, respondent concedes that there was clear and convincing evidence to support termination under MCL 712A.19b(3)(i) and (*l*). Because only one ground is necessary to terminate parental rights, even if respondent had not waived this issue, there would be no need to review these two other challenged grounds on appeal. See *In re Trejo*, 462 Mich 341, 360; 612 NW2d 407 (2000).

Respondent also argues that the trial court clearly erred in finding that termination of her parental rights would be in the best interests of the child. While the statutory grounds must be proven by clear and convincing evidence, a finding that termination is in the child's best interests needs to only be supported by a preponderance of the evidence. *In re Moss*, 301 Mich App 76, 80, 90; 836 NW2d 182 (2013). We review a court's best-interests determinations for clear error. *In re Jones*, 286 Mich App 126, 129; 777 NW2d 728 (2009). In deciding whether termination is in the child's best interests, the court may consider the parent's parenting ability, *id.* at 129-130, the child's bond to the parent, *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004), the child's safety and well-being, *In re VanDalen*, 293 Mich App 120, 142; 809 NW2d 412 (2011),

whether the parent can provide a permanent, safe, and stable home, *In re Frey*, 297 Mich App 242, 248-249; 824 NW2d 569 (2012), and the child's "need for permanency, stability, and finality," *In re Gillespie*, 197 Mich App 440, 446-447; 496 NW2d 309 (1992).

Respondent's argument that she was not given sufficient time to show that she could stop smoking marijuana and get her life in a position where she could provide proper care or custody for her child is without merit. The record shows that respondent had been provided services during the prior termination proceedings for over 13 years, and she had never benefited from any of the services as demonstrated by her failure to seek prenatal care and by her continued use of marijuana during her pregnancy and during the pendency of this case. After all the services provided, she testified that she did not believe that smoking marijuana impacted in any way upon her ability to parent. She did not testify that she would stop smoking marijuana; she testified that she would not smoke it in front of the child. She resisted any suggestion of inpatient treatment until her attorney practically forced her to acquiesce. Respondent lied to the psychologist and she lied under oath about her use of marijuana. The fact that she had lost her parental rights to four other children because she refused to stop using marijuana was not sufficient motivation for her to stop smoking marijuana in order to regain custody of this child. The evaluating psychologist opined that respondent lacked the capacity to provide the necessary conditions to meet the child's need for stability, permanency, nurturance and safety. We agree. Accordingly, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests.

Affirmed.

/s/ Henry William Saad
/s/ David H. Sawyer
/s/ Joel P. Hoekstra