

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHANINA N. BEAL, ANDRE S.
BEAL, DUANE A. BEAL, CEDRIC M. BEAL,
LAMAR A. BEAL and JANESHA F. BEAL, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

UNPUBLISHED
November 30, 1999

v

Nos. 217993;218018
Wayne Circuit Court
Family Division
LC No. 97-356404

KENNETH EARL BALDWIN and KAREN
MICHELLE BEAL,

Respondents-Appellants,

and

CHARLIE WASHINGTON and BENJAMIN S.
CHRISTIAN, JR.,

Respondents.

Before: Jansen, P.J., and Hoekstra and J. R. Cooper*, JJ.

PER CURIAM.

In these consolidated appeals, respondent Beal appeals as of right from a family court order terminating her parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j); MSA 27.3178(598.19b)(3)(a)(ii), (c)(i), (g), and (j), and respondent Baldwin appeals as of right from the same order terminating his parental rights to Janesha Beal under §§ 19b(3)(c)(i), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

* Circuit judge, sitting on the Court of Appeals by assignment.

Parental rights may be terminated under § 19b(3)(a)(ii) when a parent deserts a child for ninety-one or more days without seeking custody of the child during that period. Because the record does not show that respondent Beal ever failed to visit the children for a period of that duration, excluding the time before trial when she was forbidden to do so, or failed to campaign to regain custody of the children for the statutory period, the trial court clearly erred in finding that § 19b(3)(a)(ii) was satisfied.

However, if the court finds as a factual matter, on clear and convincing evidence, that at least *one* statutory ground for termination of parental rights exists, then the court *must* terminate parental rights unless termination is clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, this Court will affirm a trial court's decision to terminate parental rights if the court properly concluded that any one statutory basis for termination existed, and that termination was not clearly contrary to the child's best interests.

In this case, the trial court did not clearly err in finding that §§ 19b(3)(c)(i), (g), and (j) were all established by clear and convincing evidence with respect to respondent Beal. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). See also *In re Conley*, 216 Mich App 41, 44; 549 NW2d 353 (clear and convincing evidence of a failure to overcome alcoholism despite extensive treatment may justify termination of parental rights under §§ 19b(3)(c)(i) and (g)); *In re Dahms*, 187 Mich App 644, 647; 468 NW2d 315 (1991).

Finally, respondent Beal failed to show that termination of her parental rights was "clearly not" in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, *supra* at 472-473. Respondent Baldwin has likewise failed to show that termination of his parental rights was clearly not in the best interests of Janesha Beal. Thus, the trial court did not err in terminating respondents' parental rights to the children.

Affirmed.

/s/ Kathleen Jansen
/s/ Joel P. Hoekstra
/s/ Jessica R. Cooper