

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of JOSHUA DYLAN HAYES, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JODY HAYES,

Respondent-Appellant,

and

LYNDA HAYES,

Respondent.

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UNPUBLISHED

September 19, 2000

No. 221683

Ingham Circuit Court

Family Division

LC No. 00-004371

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LYNDA HAYES,

Respondent-Appellant,

and

JODY HAYES,

Respondent.

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No. 221754

Ingham Circuit Court

Family Division

LC No. 00-004371

Before: Talbot, P.J., and Hood and Gage, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from an order terminating their parental rights to the minor child. We affirm.

Respondents argue that the evidence was inadequate to establish any of the statutory grounds for termination.<sup>1</sup> We disagree. To terminate parental rights, the family court must find that at least one of the statutory grounds for termination has been met by clear and convincing evidence. MCR 5.974(I); *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993). Once a statutory ground is established, the court must terminate parental rights unless “there exists clear evidence, on the whole record, that termination is not in the child’s best interests.” MCL 712a.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo*, \_\_\_ Mich \_\_\_; 612 NW2d 407 (Docket No. 112528, issued 7/5/00), slip op pp 14, 27. We review the family court’s findings of fact under the clearly erroneous standard. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

After a careful review of the record, we are satisfied that MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g) was established by clear and convincing evidence as to both respondents. Although respondents obtained housing, employment, transportation, and recognized the minor child’s special medical needs, the evidence indicated that respondents only minimally complied with the more important aspects of the court-ordered service plan. With respect to the requirement that they attend parenting classes, the father testified that he did not attend because he had not shown any reason why he needed the classes. The mother missed two of the six classes, and the family court found that she did not pay attention during them. A worker testified that she did not notice any improvements in parenting or indications that respondents learned anything from the classes. As for the individual and marital counseling requirements, the testimony established that respondents’ attendance was sporadic, and that the father felt he did not need to attend anger management classes as evidenced by his negative and uncooperative attitude. *Trejo*, *supra* at 22, n 16 (noting that a parent’s failure to substantially comply with court-ordered treatment plans is indicative of neglect), 25 (holding that the family court did not clearly err in finding that evidence of the respondent’s slow progress in counseling established the termination under § 19b3(g)).

There was also evidence that respondents failed to provide proper care and custody during parenting time. The family court found credible the worker’s allegation that respondents engaged in inappropriate sexual touching during parenting times. The testimony also established that the father’s confrontations with the worker occurred in front of the minor child, that respondents sometimes slept

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<sup>1</sup> Although the family court did not explicitly identify the statutory basis for its decision, petitioner requested termination under MCL 712A.19b(3)(c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(c)(i), (g) and (j) with respect to both respondents, and additionally sought termination under § 19b(3)(m) with respect to respondent Lynda Hayes.

during parenting time, that respondents threw items at one another, and that the father played roughly with the minor child. Moreover, a therapist described the mother as “certainly clinically mentally troubled” with “difficulty dealing with the demands life has made [on] her,” and the father as “psychologically immature, functioning in a very adolescent manner, with . . . huge anger.” The therapist’s testimony and findings indicated that neither respondent felt that they needed to change or amend their attitudes.

In light of evidence of respondents’ failure during the years the child was in temporary placement to fully comply with the court orders, their conduct during visitations, and their failure or unwillingness to recognize a need for change, we conclude that the family court properly determined that there exists no reasonable expectation that respondents will provide proper care and custody within a reasonable time considering the child’s age. MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g). Because only one statutory ground for termination must be established in order to terminate parental rights, it is unnecessary to determine whether termination was warranted under any other statutory ground. MCL 712A.19b(3); MSA 27.3178(598.19b)(3); *In re Trejo, supra* at 21-22. For the same reason, we need not address the mother’s argument that § 19b(3)(m) properly may be applied only to cases where a respondent’s prior voluntary release of parental rights occurred after the effective date of that subsection. Further, in light of the available evidence, we cannot conclude that termination was not in the child’s best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5), *In re Trejo, supra* at 14. Accordingly, the family court did not clearly err in terminating respondents’ parental rights.

Affirmed.

/s/ Michael J. Talbot

/s/ Harold Hood

/s/ Hilda R. Gage