STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of DEANNA VANSICKLE, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

YVONNE VANSICKLE,

Respondent-Appellant,

and

JOSEPH RANDOLPH,

Respondent.

UNPUBLISHED
November 30, 2001

No. 232262
Midland Circuit Court
Family Division
LC No. 99-000120-NA

Before: Doctoroff, P.J. and Wilder and C. C. Schmucker*, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the family court order terminating her parental rights to the minor child under MCL 712A.19b(3)(g), (j) and (m). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The family court did not clearly err in determining that §§ 19b(3)(g) and (j) were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). While respondent made great progress in controlling her alcoholism and overcoming depression, she was mentally impaired and evidence was presented indicating that respondent mother would not be able to care for the child. Moreover, the evidence indicated that

---

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

the child would be harmed if returned to respondent's care. Thus, the family court did not clearly err in finding that §§ 19b(3)(g) and (j) were established by clear and convincing evidence.[1] *Id.*

We note that the family court did not improperly consider the alternative home available to the minor child in determining whether the statutory subsections had been established by clear and convincing evidence. When comparison was being made by respondent's counsel at the termination hearing, the impropriety of such a consideration was noted. Additionally, the court did not place undue weight on the report of Dr. Syed, which was quoted in the lower court record and which indicated that respondent would never be able to safely parent the child. Ms. Meno's testimony based on her personal knowledge of respondent for thirty years conveyed a similar conclusion.

Lastly, the family court did not clearly err in determining that termination was in the minor child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Martin M. Doctoroff
/s/ Kurtis T. Wilder
/s/ Chad C. Schmucker

[1] Because the family court properly terminated respondent's parental rights under subsections 19b(3)(g) and (j) and only one statutory ground for termination must be established in order to terminate parental rights, we need not decide whether termination was also proper under subsection 19b(3)(m). *In re Trejo Minors*, 462 Mich 341, 350; 612 NW2d 407 (2000).