

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KES, LRS, DDS, KPS and CLS,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

DARVON SMITH,

Respondent-Appellant,

and

ERRA SAVAGE, RICHARD LARKINS, HENRY
SMITH and JOHN DOE,

Respondents.

UNPUBLISHED
December 7, 2001

No. 227111
Wayne Circuit Court
Family Division
LC No. 98-363335

Before: White, P.J., and Talbot and E.R. Post*, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor children KPS and CLS under MCL 712A.19b(3)(b)(i), (b)(ii), (c)(i), (g), (h) and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that §§ 19b(3)(h) was established by clear and convincing evidence. MCR 5.974(I), *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence established that respondent-appellant was unable to provide proper care and custody for his children because he was incarcerated, that he would be incarcerated until at least 2003, and that he had no plan for his children's care other than to leave them with their mother (respondent Erra Savage) whose own parental rights were terminated. Respondent-appellant argues that the trial court erred in terminating Erra Savage's parental rights, and that his own parental rights should not have been terminated because Erra Savage would be able to care for

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

the children until his release from prison. However, Erra Savage has not appealed the order terminating her parental rights, and respondent-appellant lacks standing to appeal the order on her behalf. *In re AH*, 245 Mich App 77, 81; 627 NW2d 33 (2001); *In re Foster*, 226 Mich App 348; 573 NW2d 324 (1997). Further, the evidence clearly showed that leaving the children with their mother was an inadequate plan, because the mother was unable to care for them properly. Because the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests, the trial court did not err in terminating his parental rights. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Because only one ground need be proved to terminate a respondent's parental rights, we need not address respondent's challenges to the other grounds for termination. *In re Sours Minors*, 459 Mich 624, 632; 593 NW2d 520 (1999).

Affirmed.

/s/ Helene N. White
/s/ Michael J. Talbot
/s/ Edward R. Post