

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MARQUAYLA DESTINY
PAYNE, ADRIA JENISE COOPER, RAY'VEN
SAMONE COOPER, BRANDON JON'TE
DURRELL SEARCY, DENIA LASHAY
GEORGE, and KAYLA NESHELL WILSON,
Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SHAYLA DENISE GEORGE,

Respondent-Appellant,

and

ADRIAN JAMES COOPER,

Respondent.

UNPUBLISHED

January 10, 2008

No. 277035

Oakland Circuit Court

Family Division

LC No. 05-713589-NA

Before: Jansen, P.J., and O'Connell and Fort Hood, JJ.

PER CURIAM.

Respondent Shayla George (respondent) appeals as of right the family court's order terminating her parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).¹ We affirm.

Although Marquayla turned 18 years old before the filing of the supplemental petition, the trial court denied respondent's motions to dismiss Marquayla from the proceedings. We find

¹ MCL 712A.19b(3)(a)(ii) was cited below as a possible additional ground for termination. However, we need not determine whether termination would have been proper under § 19b(3)(a)(ii) or any other subsection because only one statutory ground is necessary to terminate parental rights. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

no error in this regard. Generally, the family court has jurisdiction over a minor in a neglect and abuse matter until that minor's eighteenth birthday. MCL 712A.2(b); MCL 712A.5. However, the family court's jurisdiction may be automatically extended for two years pursuant to MCL 712A.2a. While the family court had the discretion to release Marquayla from its jurisdiction by court order, MCL 712A.2a(1), we find that the court did not abuse its discretion by failing to do so.

We also conclude that the family court did not abuse its discretion by failing to appoint a separate attorney for Marquayla. Under MCL 712A.17d(2), the family court *may* appoint a separate attorney if the child's wishes are inconsistent with the lawyer-guardian ad litem's determination of the child's best interests. See also MCR 3.915(B)(2)(b). Use of the word "may" in the relevant statutory language indicates that such an appointment is discretionary. See *Warda v City Council of Flushing*, 472 Mich 326, 332; 696 NW2d 671 (2005). Although Marquayla disagreed with the guardian ad litem's determinations concerning her best interests, the guardian ad litem adequately informed the court of the existence of and reasons for this disagreement. Considering the particular facts of this case, the family court did not err by failing to appoint a separate attorney for Marquayla. MCL 712A.17d(2).

Respondent correctly asserts that the family court abused its discretion when it prohibited the admission of certain evidence regarding her actions after the date of the supplemental petition. Because termination did not occur at the time of the initial disposition, but was instead based on a supplemental petition, the court was free to receive and rely on any relevant and material evidence. MCR 3.977(G)(2). The supplemental petition contained allegations concerning respondent's likely future behavior, and the trier of fact would have benefited from current information about respondent's actions, including evidence regarding actions that occurred after the filing of the petition. The erroneous exclusion of such evidence, however, was plainly harmless in light of the substantial evidence that respondent had made little or no effort to address her substance abuse problems or to provide verification of her enrollment in a substance abuse program.

Given the substantial evidence concerning respondent's substance abuse, her failure to rectify her addictions, and her neglect of the children, the family court did not clearly err by terminating respondent's parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). See *In re Conley*, 216 Mich App 41, 43-44; 549 NW2d 353 (1996); see also *In re Shawboose*, 175 Mich App 637, 641; 438 NW2d 272 (1989). Nor did the family court err in ruling that termination was not clearly contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 351-354; 612 NW2d 407 (2000). Given the neglect inflicted upon the children, and respondent's own admission that she would not be able to presently care for the children, the court did not clearly err in its best-interests determination.²

² We note that the family court properly relied on psychological evaluations when making its best-interests determination. Those evaluations did not contain mere conjecture, but rather provided important insight into the emotional state of the children and how the children would be impacted by termination.

Affirmed.

/s/ Kathleen Jansen

/s/ Peter D. O'Connell

/s/ Karen M. Fort Hood