

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

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In the Matter of MICHAEL WILLIAMS, JR.,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHAEL WILLIAMS, SR.,

Respondent-Appellant,

and

LASHAWNDA WRIGHT,

Respondent.

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In the Matter of MICHAEL WILLIAMS, JR.,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LASHAWNDA WRIGHT,

Respondent-Appellant,

and

MICHAEL WILLIAMS, SR.,

Respondent.

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UNPUBLISHED

April 28, 2009

No. 288260

Berrien Circuit Court

Family Division

LC No. 2007-000020-NA

No. 288304

Berrien Circuit Court

Family Division

LC No. 2007-000020-NA

Before: Borrello, P.J., and Murphy and M. J. Kelly, JJ.

PER CURIAM.

In these consolidated appeals, respondent-father appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(g) and (j), and respondent-mother appeals as of right from the same order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that the statutory bases for termination of both respondents' parental rights had been established by clear and convincing evidence. MCR 3.977(J); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005).

When the child was born, his meconium tested positive for cocaine and he was diagnosed with syphilis. Respondent-mother admitted to the daily use of cocaine, and she exhibited signs of withdrawal while in the hospital to give birth. Of 124 scheduled drug screens, respondent-mother participated in only 26 screens, and 17 of those resulted in positive tests for cocaine use. Respondent-mother failed to rectify the conditions that led to adjudication. Given her repeated inability to conquer her drug addiction over the 20 months that the child was in care, it was not clearly erroneous for the court to find that she would not be able to do so within a reasonable time given the age of the child. Respondent-mother was unable to provide any care or custody of the minor child, let alone proper care or custody, because of her drug addiction, unemployment, and lack of housing. The fact that others, respondent-father's parents, may have been providing proper care or custody is not relevant to the length of time the parent should be given to demonstrate an ability to properly provide for a child. We agree with the trial court that there was a reasonable likelihood that the child would be harmed if returned to respondent-mother's care. Respondent-mother had yet to cease harming herself such that she would be able to provide a safe and nurturing home for her child.

Respondent-father failed to provide care or custody of the minor child at any time during this case. Although there was evidence that he at times provided financial assistance to his parents, with whom the child was living, there was no evidence that he ever actually attempted to take on the role of caregiver even though he lived in the same home as his child. Respondent-father's objective was to have the child's mother be the primary caregiver and he would merely be a "backup" parent. Given respondent-mother's circumstances, including her history of addiction to cocaine, respondent-father's objective reflects poor insight and is out of touch with reality. Also, there was evidence that respondent-father suffers from a chronic lung disease and that his doctor indicated that it would prevent him from being able to raise a child on his own. We find no clear error with respect to the court's finding that MCL 712A.19b(3)(g) was satisfied by clear and convincing evidence. Because only one statutory ground for termination need be established, *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991), it is unnecessary to address § 19b(3)(j).

Finally, contrary to both respondents' appellate arguments, the record reveals that the trial court did find that termination was in the best interest of the child as required under the current version of MCL 712A.19b(5). In light of respondent-mother's unstable situation and the

fact that respondent-father had shown no real desire to be a primary caregiver, and considering that the minor child had been in care for 20 months and deserved permanency, we find no clear error in the trial court's best-interests determination.

Affirmed.

/s/ Stephen L. Borrello

/s/ William B. Murphy

/s/ Michael J. Kelly