

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DAI'VYON KEYSHON MIMS,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LARONDA DUESHON MIMS,

Respondent-Appellant.

UNPUBLISHED

November 17, 2009

No. 291757

Wayne Circuit Court

Family Division

LC No. 02-411076

Before: Shapiro, P.J., and Jansen and Beckering, JJ.

PER CURIUM.

Respondent appeals as of right the trial court's order terminating her parental rights to the minor child at the initial dispositional hearing pursuant to MCL 712A.19b(3)(g), (i), (j), (l), and (m).¹ We affirm.

Although respondent argues that the trial court clearly erred in finding that the statutory grounds for termination were established by clear and convincing evidence, the record below discloses that respondent conceded the existence of a statutory ground for termination. Regardless, termination of parental rights need only be supported by a single statutory ground, *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991), and in light of the evidence that respondent voluntarily released her parental rights to two other children, that her parental rights to a third child were previously terminated for failure to comply with the terms of a treatment plan, and that respondent was in prison at the time of the instant proceeding, the trial court did not clearly err in finding that §§ 19b(3)(i), (l), and (m) were each established by clear and convincing evidence. MCR 3.977(E)(3), (J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *In re Newman*, 189 Mich App 61, 65; 472 NW2d 38 (1991).

¹ Although the trial court cited § 19b(3)(h) and not § 19b(3)(m), it is apparent that it intended to rely on the latter statutory ground because it quoted the statutory text for § 19b(3)(m).

We disagree with respondent's argument that petitioner was required to offer her services before proceeding to termination. Although the Department of Human Services ("DHS") is generally required to make reasonable efforts to rectify the conditions that caused a child's removal from the parent's home by adopting a service plan, MCL 712A.18f(4), and providing necessary services to facilitate the return of the child, see *In re Terry*, 240 Mich App 14, 25-26; 610 NW2d 563 (2000); see also *In re Rood*, 483 Mich 73, 104-106; 763 NW2d 587 (2009), a trial court is permitted to terminate parental rights at the initial dispositional hearing, MCR 3.977(E). Where termination is requested at the initial dispositional hearing, the DHS need not develop and consider a service plan, nor is it required to provide services if it justifies its decision not to do so. MCL 712A.18f(1)(b); MCL 712A.19b(4); *In re Terry*, *supra* at 25 n 4.

In this case, respondent voluntarily released her parental rights to two other children, and her parental rights to a third child were previously terminated for failure to comply with the terms of a treatment plan, particularly with respect to her mental illness and substance abuse, and those issues were never rectified. Moreover, respondent was in prison at the time of the dispositional hearing and, therefore, clearly was not able to care for her child. Under these circumstances, petitioner was justified in requesting termination of respondent's parental rights at the initial dispositional hearing, without providing a service plan or offering services.

Finally, considering respondent's past history, her incarceration at the time of the dispositional hearing, and that the child had been removed from respondent's custody shortly after his birth, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000) (stating that this Court reviews a trial court's decision regarding a child's best interests for clear error).

Affirmed.

/s/ Douglas B. Shapiro
/s/ Kathleen Jansen
/s/ Jane M. Beckering