STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
December 21, 2010

In the Matter of J. M. DIBERT, Minor.

No. 298409
Osceola Circuit Court
Family Division
LC No. 09-004612-NA

Before: MARKEY, P.J., AND WILDER AND STEPHENS, JJ.

PER CURIAM.

Respondent G. Dibert ("respondent-mother") appeals as of right from the trial court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(i), (j), and (m). We affirm.

Although respondent-mother argues that the trial court erred in finding that §§ 19b(3)(i) and (j) were both established by clear and convincing evidence, she concedes that the trial court "had sufficient basis to terminate [her] parental rights pursuant to [§ 19b(3)(m)] due to her voluntary release of her rights to her older daughters." [1] Because only one statutory ground for termination is required, it is unnecessary to address respondent-mother's arguments concerning §§ 19b(3)(i) and (j). *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000). We may affirm the trial court's determination of the existence of a statutory ground for termination solely on the basis of § 19b(3)(m). *Id.*

We note that respondent-mother also attempts to challenge the trial court's termination of the parental rights of the child's legal father's, respondent S. Dibert ("respondent-father"). However, the claim of appeal was filed on behalf of respondent-mother only. Respondent-father is not a party to this appeal. The termination of respondent-mother's parental rights is not

[1] MCL 712A.19b(3)(m) was amended by 2010 PA 7, effective September 24, 2010. As respondent-mother observes, however, the amendment does not apply to this case, which arose and was decided before the effective date of the amendment. As in effect at the time this case was decided, § 19b(3)(m) authorized termination of parental rights where "[t]he parent's rights to another child were voluntarily terminated following the initiation of proceedings under section 2(b) of this chapter or a similar law of another state."

dependent upon the establishment of grounds to terminate respondent-father's parental rights, *In re Marin*, 198 Mich App 560, 566-568; 499 NW2d 400 (1993), and respondent-mother lacks standing to challenge the trial court's termination of respondent-father's parental rights. See *In re Terry*, 240 Mich App 14, 21; 610 NW2d 563 (2000). Accordingly, we decline to consider respondent-mother's arguments relating to respondent-father's parental rights.

Respondent-mother lastly argues that, even if a statutory ground for termination was established, the trial court erred in terminating her parental rights because termination was not in the child's best interests. We disagree. We review the trial court's best interests decision for clear error. MCR 3.977(K); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003); *In re Jones*, 286 Mich App 126, 129; 777 NW2d 728 (2009).

There was considerable evidence that respondent-mother engaged in services designed to improve her parenting skills after she released her parental rights to her first four children, and after her parental rights to a fifth child were terminated. She intensified her services during her pregnancy with the child who is the subject of this petition. Service providers offered positive testimony regarding her progress during her pregnancy on such issues as managing crises and supervision of children. However the trial court appropriately evaluated this evidence in light of respondent-mother's past history and other circumstances, including her continued belief that she was a good mother to her older children, despite the evidence that she failed to properly supervise them. The petitioner repeatedly failed to accept objective facts such as her husband's criminal record and the biological parentage of Gracie. Further, respondent-mother was adamant that she planned to raise the child with respondent-father and was steadfast in her belief that he was incapable of abusing a child, despite the evidence of his assaultive criminal history, which included a conviction of child abuse for abusing his older son. Giving deference to the trial court's assessment of the weight of the evidence and the credibility of the witnesses, *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989), we find no clear error in the trial court's determination that respondent-mother failed to understand the gravity of her past actions and that she lacked the ability to apply what she had learned on a long-term basis. The trial court did not clearly err when it concluded that respondent-mother was unlikely to be able to properly raise the child in the foreseeable future, and it did not clearly err in finding that termination of respondent-mother's parental rights was in the child's best interests.

Affirmed.

/s/ Jane E. Markey
/s/ Kurtis T. Wilder
/s/ Cynthia Diane Stephens