

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED  
September 22, 2011

In the Matter of D. SAVAGE, Minor.

No. 302238  
Wayne Circuit Court  
Family Division  
LC No. 08-476647

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Before: RONAYNE KRAUSE, P.J., and CAVANAGH and JANSEN, JJ.

PER CURIAM.

Respondent appeals as of right the order terminating her parental rights to her minor child under MCL 712A.19b(3)(c)(i), (j), and (l). We affirm.

Initially, petitioner concedes that the trial court erred in terminating respondent's parental rights under MCL 712A.19b(3)(c)(i) because her rights were terminated at the initial disposition hearing. However, petitioner is only required to establish at least one statutory ground for termination by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). Here, there was sufficient evidence under at least one statutory ground, so reversal on that basis is not warranted. See *In re Huisman*, 230 Mich App 372, 384-385; 584 NW2d 349 (1998). Respondent failed to argue that termination was inappropriate under MCL 712A.19b(3)(l), so that issue is abandoned. *In re JS and SM*, 231 Mich App 92, 98-99; 585 NW2d 326 (1998). But even if respondent had argued the issue, MCL 712A.19b(3)(l) merely requires that respondent's rights to her other children were previously terminated under this state's child protection laws, which they unambiguously were.

Additionally, the lower court did not err in finding that the child was likely to be harmed if placed in respondent's care, MCL 712A.19b(3)(j). The way a parent treated other children is probative of how she will treat the child at issue. *In re AH*, 245 Mich App 77, 84; 627 NW2d 33 (2001). Although respondent had appropriate housing and took parenting classes, her testimony confirmed the clinical psychologist's opinion that respondent's mental limitations continued to prevent her from properly protecting her children from harm and meeting their needs. She was unable to explain what she had learned, how she would better protect this child from others who could easily manipulate her, and how she would better meet his developmental and educational needs. Her understanding of why her rights were previously terminated was extremely limited, and her understanding of how to protect a child and meet his needs was simply not amenable to sufficient improvement.

Respondent argues further that the lower court erred when it found termination was in the child's best interests, MCL 712A.19b(5), because of their attachment and her progress. We disagree. There was little evidence of the child's attachment to her because of their limited contact after his birth, and respondent continued not to interact appropriately with her older children. Further, this child was at risk of physical harm and neglect in respondent's care, despite her best intentions, because of her mental limitations. Petitioner was not required to provide full-time, 24 hours a day, seven days a week assistance. See *In re Terry*, 240 Mich App 14, 27-28; 610 NW2d 563 (2000). Any progress respondent made was simply not enough. The lower court did not err when it found that terminating respondent's rights was in this child's best interests.

Finally, respondent argues that the lower court erred when it failed to appoint a guardian ad litem to assist her in the prior termination proceedings. A guardian ad litem was appointed in the present proceedings. Respondent did not raise this issue in either lower court proceeding, so we review only for plain error affecting her substantial rights. *In re JK*, 468 Mich at 214. Respondent did not raise this issue in her prior appeal from those proceedings. See *In re Savage*, unpublished opinion per curiam of the Court of Appeals, issued February 26, 2009 (Docket No. 286620). She cannot now attack the previous termination order collaterally. See *Hunter v Hunter*, 484 Mich 247, 276-277; 771 NW2d 694 (2009). In any event, the trial court previously proceeded without a guardian ad litem appointed for respondent on the recommendation of her attorney and because respondent's relatives facilitated her communication. Under the circumstances, the trial court did not abuse its discretion.

Affirmed.

/s/ Amy Ronayne Krause  
/s/ Mark J. Cavanagh  
/s/ Kathleen Jansen