

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
October 18, 2011

In the Matter of R.D. L., JR., Minor.

No. 303956
St. Clair Circuit Court
Family Division
LC No. 11-000025-NA

Before: OWENS, P.J., and JANSEN and O'CONNELL, JJ.

PER CURIAM.

Respondent C. Lovett appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(i), (g), (i), (j), (l), and (m). We affirm.

Parental rights may be terminated at the initial dispositional hearing if a preponderance of the evidence adduced at trial establishes grounds for the assumption of jurisdiction under MCL 712A.2(b) and the court finds on the basis of clear and convincing legally admissible evidence introduced at the trial or dispositional hearing that one or more facts alleged in the petition are true and establish grounds for termination under MCL 712A.19b(3). *In re Utrera*, 281 Mich App 1, 16-17; 761 NW2d 253 (2008); MCR 3.977(E). Although respondent argues that several of the statutory grounds for termination were not established by clear and convincing evidence, she concedes that § 19b(3)(l) was established and she fails to challenge the trial court's decision with respect to § 19b(3)(i). Because only one statutory ground for termination need be proven, *In re CR*, 250 Mich App 185, 207; 646 NW2d 506 (2002), respondent's failure to challenge the termination of her parental rights under §§ 19b(3)(i) and (l) precludes appellate relief with respect to this issue. *In re JS & SM*, 231 Mich App 92, 98-99; 585 NW2d 326 (1999), overruled in part on other grounds in *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). Any error with respect to the remaining statutory grounds would be harmless. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Respondent also challenges the trial court's best interest decision, MCL 712A.19b(5), which we review for clear error. *In re Trejo*, 462 Mich at 356-357; MCR 3.977(K). Although respondent observes that a parent has a significant interest in the companionship, care, custody, and management of a child, which has been characterized as an element of liberty to be protected by due process, see *In re Brock*, 442 Mich 101, 109; 499 NW2d 752 (1993), once the court found clear and convincing evidence establishing a statutory basis for termination under MCL 712A.19b(3), respondent's liberty interest no longer included the right to custody and control of

her child. *In re Trejo*, 462 Mich at 355-356. Further, petitioner was not obligated to provide respondent with reunification services due to the prior involuntary termination of her parental rights to another child. MCL 712A.19a(2)(c).

Respondent's reliance on *In re Barlow*, 404 Mich 216; 273 NW2d 35 (1978), and the best interest factors in the Child Custody Act, MCL 722.23, is misplaced. *In re Barlow* involved termination under § 39(1) of the Adoption Code, which requires a determination whether the child's best interests would be served by placing the child with its putative father. MCL 710.39(1). When that case was decided, MCL 710.22 did not include a definition of the child's best interests, so the Court found that the "trial court properly looked to § 3 of the custody act for guidance in evaluating the best interests of the child in the case at bar." *In re Barlow*, 404 Mich at 236. MCL 710.22 was amended by 1980 PA 16 to include a list of best interest factors substantially similar to those in MCL 722.23. See MCL 710.22(g). This case involves termination of respondent's parental rights under § 19b(3) of the Juvenile Code. When termination is sought under § 19b(3), the trial court "is not bound to make findings with regard to the best interests factors of the Child Custody Act[.]" *In re JS & SM*, 231 Mich App at 102.

Considering respondent's continuing issues with housing, substance abuse, and domestic violence, and her history of failing to benefit from prior services which caused her to lose her parental rights to other children, the trial court did not clearly err in finding that termination of respondent's parental was in the child's best interests.

Affirmed.

/s/ Donald S. Owens
/s/ Kathleen Jansen
/s/ Peter D. O'Connell