# STATE OF MICHIGAN

# COURT OF APPEALS

UNPUBLISHED
March 1, 2012

In the Matter of C. M. TEICHMAN, Minor.

No. 305152
Shiawassee Circuit Court
Family Division
LC No. 97-008137-NA

Before: HOEKSTRA, P.J., and CAVANAGH and BORRELLO, JJ.

PER CURIAM.

Respondent appeals as of right the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g) and (i). Because we find no clear error in the trial court's conclusion that a statutory ground for termination was established by clear and convincing evidence, we affirm.

The minor child at issue in this appeal is respondent's fourth biological child. Respondent's parental rights to her first three children were previously terminated. Respondent's parental rights to two of her children were terminated in 2000 pursuant to MCL 712A.19b(3)(c)(*i*) and (g), and her parental rights to her third child were terminated in 2007 pursuant to MCL 712A.19b(3)(l). During the previous termination proceedings respondent participated in services but did not substantially benefit from the services or improve her parenting ability.

In this case, the Department of Human Services (DHS) became involved when staff at the hospital where respondent gave birth to the minor child at issue contacted authorities out of concern for respondent's ability to care for the minor child. Respondent suffers from schizoaffective disorder, and was admitted for inpatient treatment in the psychiatric unit immediately after the minor child was born because respondent was delusional and in a psychotic state.

A petition to terminate respondent's parental rights to the minor child was filed on January 18, 2011. The petition alleged that respondent had a history of neglect, had been substantiated for physical abuse in 1996, and that her parental rights to her other children had been terminated. It also alleged that respondent was incoherent, unable to provide her address, and unable to articulate how to care for a small child. The trial court authorized the petition in March 2011, and a termination hearing was held on June 21, 2011. During the hearing, copies of the 2000 and 2007 orders terminating respondent's parental rights to the minor child's siblings were submitted to the trial court as exhibits. Numerous medical and social professionals testified

regarding respondent's behavior and mental state; all of the witnesses believed respondent would not be capable of caring for the minor child and that termination was in the minor child's best interests. After hearing the testimony, the trial court concluded that there was clear and convincing evidence to find that the statutory grounds set forth in §§ 19b(3)(g) and (i) were established by clear and convincing evidence, and that it was in the best interests of the minor child to terminate respondent's parental rights. An order terminating respondent's parental rights was entered on June 23, 2011.

On appeal, respondent argues that the trial court clearly erred in finding that at least one statutory ground for termination of respondent's parental rights was established by clear and convincing evidence.

In order to terminate parental rights, a trial court must find that at least one statutory ground for termination in MCL 712A.19b has been proven by clear and convincing evidence. *In re Fried*, 266 Mich App 535, 541; 702 NW2d 192 (2005). We review the trial court's findings of fact for clear error. MCR 3.977(K); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003). A finding is clearly erroneous if, although there is evidence to support it, the reviewing court is left with a definite and firm conviction that a mistake was made. *Id.* at 209-210. Deference is given to the trial court's special opportunity to judge the weight of evidence and the credibility of witnesses who appear before it. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The trial court terminated respondent's parental rights after finding that both MCL 712A.19b(3)(g) and (i) were established by clear and convincing evidence. MCL 712A.19b(3)(g) provides that the trial court may terminate the parental rights of a parent if it finds by clear and convincing evidence that "[t]he parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age." MCL 712A.19b(3)(i) provides that the trial court may terminate the parental rights of a parent if it finds by clear and convincing evidence that the parental rights to one or more "siblings of the child have been terminated due to serious or chronic neglect or physical or sexual abuse, and prior attempts to rehabilitate the parents have been unsuccessful."

In this case, the evidence demonstrated that respondent was unable to provide proper care or custody because she required psychiatric hospitalization after the child's birth and she could not identify anyone who could take care of the child in her absence. Further, the evidence that respondent had failed to benefit from services in the past, leading to the termination of her parental rights to three other children, coupled with a psychologist's conclusions that as of May 2011, respondent was "marginally able to care for herself and unable to care for a child" and did not have "sufficient stability and ability to benefit from services to improve her understanding of parenting and being responsive to the needs of an infant," clearly established that there was no reasonable expectation that respondent would be able to provide proper care and custody within a reasonable time given the child's age. Accordingly, we conclude that the trial court did not clearly err in finding that § 19b(3)(g) was established by clear and convincing legally admissible evidence.

Because only one statutory ground for termination need be proven, *In re CR*, 250 Mich App 185, 207; 646 NW2d 506 (2002), any error in relying on § 19b(3)(i) as an additional ground for termination was harmless. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Respondent also argues that the trial court erred in terminating her parental rights because petitioner failed to provide her with reunification services. We disagree. Reunification services are not always required. *In re Terry*, 240 Mich App 14, 25 n 4; 610 NW2d 563 (2000). MCL 712A.19a(2) provides that "[r]easonable efforts to reunify the child and family must be made in all cases except" where certain aggravating circumstances are present, one of which is that "[t]he parent has had rights to the child's siblings involuntarily terminated." MCL 712A.19a(2)(c). In light of the prior involuntary terminations, petitioner was not required to provide reunification services in this case and the trial court did not err in terminating respondent's parental rights.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Mark J. Cavanagh
/s/ Stephen L. Borrello