

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of S. D. WALKER, Minor.

UNPUBLISHED
November 19, 2013

No. 315643
Wayne Circuit Court
Family Division
LC No. 01-399920-NA

Before: M. J. KELLY, P.J., and CAVANAGH and SHAPIRO, JJ.

PER CURIAM.

Respondent-mother appeals by right the trial court order that terminated her parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(ii), (g), (i), (j), and (l). Because the trial court did not clearly err by finding that a statutory ground for termination had been established and that termination was in the child's best interests, we affirm.¹

A trial court may terminate a respondent's parental rights if it finds that (1) a statutory ground under MCL 712A.19b(3) has been established by clear and convincing evidence and (2) termination is in the child's best interests. MCR 3.977(F); *In re CR*, 250 Mich App 185, 194-195; 646 NW2d 506 (2001). "Only one statutory ground need be established by clear and convincing evidence to terminate a respondent's parental rights, even if the court erroneously found sufficient evidence under other statutory grounds." *In re Ellis*, 294 Mich App 30, 32; 817 NW2d 111 (2011). "[W]hether termination of parental rights is in the best interests of the child must be proved by a preponderance of the evidence." *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013).

Respondent first argues that a statutory ground for termination was not established by clear and convincing evidence. However, she fails to address the trial court's reliance on MCL

¹ "This Court reviews for clear error the trial court's ruling that a statutory ground for termination has been established and its ruling that termination is in the children's best interests." *In re Hudson*, 294 Mich App 261, 264; 817 NW2d 115 (2011). "A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made." *Id.*

712A.19b(3)(l).² It is undisputed that respondent's parental rights to six other children had previously been involuntarily terminated following the initiation of child protective proceedings. Accordingly, the evidence supports the trial court's determination that a statutory ground for termination was established under MCL 712A.19b(3)(l). Because only one statutory ground need be established, *Ellis*, 294 Mich App at 32, we find that the trial court did not clearly err by finding that a statutory ground for termination had been established by clear and convincing evidence.

Respondent next argues that termination of her parental rights was not in the child's best interests. We disagree.

The evidence showed that respondent has been struggling with drug addiction for more than 15 years. After her first four children entered foster care in 2001, respondent obtained substance abuse treatment but was ultimately unable to overcome her addiction and her parental rights to those children were terminated in 2004. Respondent continued to use cocaine and her next two children tested positive for the drug at birth in 2005 and 2007. Respondent's parental rights to those children were promptly terminated.

After respondent discovered that she was pregnant with the present child in 2010, she continued to use cocaine but sought additional substance abuse treatment. At the time the petition was authorized, respondent had completed seven or eight months of treatment. Respondent continued treatment for another seven months, during which she made significant progress. She developed a bond with the child and demonstrated good parenting skills during supervised visits. However, respondent was unable to maintain her sobriety and relapsed in June 2012, while still involved in a nonresidential aftercare program. Her relapse was not discovered until August 2012, when the child tested positive for cocaine following an extended home visit. Respondent resumed substance abuse treatment in October 2012 and was in a residential aftercare program at the time of the termination hearing. She was not expected to complete the aftercare program until September 2014 and would then have to demonstrate an ability to maintain her sobriety in the community before reunification could be considered. Respondent also failed to make progress toward being able to support herself and her child. Meanwhile, the child was thriving in a foster home that met her needs.

² MCL 712A.19b(3)(l) provides that, "[t]he court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence . . . [that] [t]he parent's rights to another child were terminated as a result of proceedings under section 2(b) of this chapter or a similar law of another state."

Accordingly, we find that the trial court did not clearly err by finding that termination of respondent's parental rights was in the child's best interests.

Affirmed.

/s/ Michael J. Kelly
/s/ Mark J. Cavanagh
/s/ Douglas B. Shapiro