S T A T E O F M I C H I G A N

C O U R T O F A P P E A L S

In the Matter of RACHEL MARIE GONZALEZ, DANIEL MATTHEW GONZALEZ, and ZACHARY ANTHONY MUIRHEAD, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

PATRICIA ANN GONZALEZ,

Respondent-Appellant,

and

DANIEL SMITH,

Respondent.

UNPUBLISHED
February 3, 2005

No. 255357
Wayne Circuit Court
Family Division
LC No. 03-416452-NA

Before: Meter, P.J., and Wilder and Schuette, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court's orders terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), (j), and (k)(i). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in determining that petitioner had proven by clear and convincing evidence at least one ground for termination. MCR 3.977(J); *In re Trejo,* 462 Mich 341, 355; 612 NW2d 407 (2000); *In re Sours,* 459 Mich 624, 633; 593 NW2d 520 (1999). Respondent's abandonment of her third child, a newly born baby, at the hospital in February 2003, as well as her drug use during this pregnancy, were the conditions that led to adjudication. Respondent admitted that she told hospital personnel that she did not want "to plan" for and intended to abandon her baby and that she had used cocaine for four years, including just days before giving birth. Furthermore, the baby tested positive for cocaine four days after she was born. While within the trial court's jurisdiction, respondent only partially complied with the treatment plan established by the trial court. Respondent asserts her noncompliance was caused by depression, and that she could have rectified all noncompliance within a reasonable time if

she would have received treatment for her depression.[1] However, even assuming the onset of depression could have affected respondent's compliance, she was not substantially complying with the treatment plan even before she allegedly became depressed. She had a positive urine screen in July 2003, stopped attending individual therapy in August 2003, and never provided any documentation showing that she attended NA/AA meetings.

Respondent argues that there was no evidence she had neglected her two older children. However, under the doctrine of anticipatory neglect, "'how a parent treats one child is certainly probative of how that parent may treat other children.'" *In re AH,* 245 Mich App 77, 84; 627 NW2d 33 (2001) (citations omitted). Based on the above evidence, and applying the doctrine of anticipatory neglect, we find that the trial court did not err in determining that MCL 712A.19b(3)(c)(i), (g), and (j) were established by clear and convincing evidence, and therefore did not err in concluding that termination was warranted, since petitioner need establish only one statutory ground for termination. *In re Powers Minors,* 244 Mich App 111, 118; 624 NW2d 472 (2000).

Finally, the evidence did not establish that termination of respondent-appellant's parental rights was not in the children's best interests. MCL 712A.19b(5).

Affirmed.

/s/ Patrick M. Meter
/s/ Kurtis T. Wilder
/s/ Bill Schuette

[1] While we assume for purposes of our opinion that respondent suffered from depression, there is no medical evidence in the record supporting respondent's assertion.