

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of RAYMOND CHAPPELL, JR.,
and DEVONNE CHAPPELL, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BETTY JACKSON,

Respondent-Appellant,

and

RAYMOND CHAPPELL, SR.,

Respondent.

UNPUBLISHED

February 3, 2005

No. 257123

Berrien Circuit Court

Family Division

LC No. 03-000042

Before: Zahra, P.J., and Neff and Cooper, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that statutory grounds for termination were established by clear and convincing evidence or in making its best interests determination. *In re Trejo*, 462 Mich 341, 344, 357; 612 NW2d 407 (2000).¹ The only evidence submitted by respondent-appellant supporting her claim that she rectified the conditions leading to adjudication was a letter stating that she had entered a residential treatment program to address

¹ The trial court clearly erred in finding that petitioner established MCL 712A.19b(3)(a)(ii) by clear and convincing evidence. However, this error is harmless because only one statutory ground need be proven by clear and convincing evidence to terminate parental rights and the other grounds were proven. MCL 712A.19b(3); *Trejo, supra* at 351.

her alcohol problem. Notwithstanding this evidence, a full year had passed without respondent-appellant participating in any services or making any attempt to rectify the conditions leading to adjudication. Since respondent-appellant had done nothing in the year prior to termination and had only attended a court hearing when incarcerated, the trial court did not clearly err in finding that these grounds were established by clear and convincing evidence. Similarly, the trial court did not clearly err in finding that there was a reasonable likelihood that the children would be harmed if returned to respondent-appellant. Respondent-appellant was homeless and unemployed and could not have provided the basic necessities of food and shelter to her children.

Finally, the trial court did not clearly err in its best interests determination. The children, at ages thirteen and fourteen, were aware of respondent-appellant's alcoholism. Their caseworker testified that the children felt hurt and abandoned by their parents. The children attended parenting time weekly and were hurt when respondent-appellant did not attend. Further, respondent-appellant left some sessions early and did not appear to be invested in her children. Respondent-appellant also made no effort to comply with FIA services.

Affirmed.

/s/ Brian K. Zahra
/s/ Janet T. Neff
/s/ Jessica R. Cooper