

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DIVANTE VAN, TALISHA
AYERS, TIARA AYERS, and TANIAYA
AYERS, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
October 24, 2006

Petitioner-Appellee,

v

SARETHA CLAUDETTE AYERS,

Respondent-Appellant,

and

AARON SMITH,

Respondent.

No. 266863
Wayne Circuit Court
Family Division
LC No. 89-279545-NA

Before: Whitbeck, C.J., and Hoekstra and Wilder, JJ.

PER CURIAM.

Respondent-appellant Saretha Ayers appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(i), (g), (i), (j), and (l).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Ayers initially came to the attention of the Department of Human Services (DHS) in 1989. Those proceedings resulted in the termination of Ayers' parental rights to an older child in 1990 due to neglect, substance abuse, and failure to comply with the court ordered treatment plan. Subsequently, DHS received four substantiated complaints of Ayers' neglect of her

¹ Pursuant to MCL 712A.19b(5), the trial court did not terminate respondent-appellant's parental rights to two other children who were subjects of the proceedings below, Alexis Smith and Terrian Ayers.

children and substance abuse, and DHS assisted Ayers in obtaining substance abuse treatment. On a fifth occasion resulting in this proceeding, the minor children were left without proper care in an unsuitable home after Ayers was arrested and charged with telephone harassment and malicious destruction of property. DHS again attempted to assist Ayers in obtaining substance abuse treatment, maintaining a drug-free lifestyle, and obtaining suitable housing for her children through the Families First program. However, DHS moved for and the trial court ordered the termination of Ayers' parental rights in the initial disposition phase after concluding that Ayers' ongoing substance abuse and neglect problems would not be adequately resolved.

On our review of the record, we are persuaded that the trial court did not clearly err by finding at least one statutory ground for termination of Ayers' parental rights was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Ayers failed to provide proper care and custody for all of the children by selling her bridge card for drugs, by maintaining the home with inoperative plumbing and otherwise in a deplorable condition, and by failing to provide food for the children. The evidence further established that Ayers had been offered assistance four times over several years in order to address her drug addiction; nevertheless, she continued to use drugs, and the youngest child was born testing positive for cocaine. Moreover, despite court ordered drug screens, Ayers did not complete a single screen. Under these circumstances, the trial court did not clearly err by finding that there was no reasonable likelihood that Ayers would be able to provide proper care for the children within a reasonable time, and that termination under MCL 712A.19b(3)(g) was appropriate. As the same evidence indicates that there is a reasonable likelihood that the children would be harmed if returned to Ayers, termination under MCL 712A.19b(3)(j) was also not clearly erroneous. Since termination need be supported by only one statutory ground, *In re SD*, 236 Mich App 240, 247; 599 NW2d 772 (1999), we need not address Ayers' remaining claims of error regarding the statutory grounds for termination.

We also conclude on our review of the record that the trial court did not clearly err by finding that termination was not clearly contrary to the best interests of the children. MCL 712A.19b(5). Although all of the children except Taniaya indicated a bond with Ayers, it is clear that she was not able to provide proper care for them. Despite repeated rehabilitative efforts, Ayers continued to use drugs and failed to provide minimally adequate conditions for the children. The evidence led to the inescapable conclusion that Ayers' drug addiction would not be remedied, and therefore her ability to provide for the children would not improve in the foreseeable future.

Affirmed.

/s/ William C. Whitbeck
/s/ Joel P. Hoekstra
/s/ Kurtis T. Wilder