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 EMILY ANN GEREN, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BRENDA COLETTA ANDERSON,

Respondent-Appellant.

UNPUBLISHED
July 29, 2008

No. 282967
Oakland Circuit Court
Family Division
LC No. 03-677246-NA

Before: Meter, P.J., and Smolenski and Servitto, JJ.

PER CURIAM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(ii), (b)(iii), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Although respondent challenges the trial court's determination that statutory grounds for termination were proven by clear and convincing evidence, she only contests the trial court's findings with respect to §§ 19b(3)(g) and (j). Because only one statutory basis for termination need be proven, *In re Archer*, 277 Mich App 71, 73; 744 NW2d 1 (2007), and because respondent does not address the merits of the trial court's determination that termination was also appropriate under § 19b(3)(b)(ii),[1] appellate relief is not warranted with respect to whether a statutory basis for termination was sufficiently established. See *In re JS & SM*, 231 Mich App 92, 98-99; 585 NW2d 326 (1998), overruled on other grounds by *In re Trejo*, 462 Mich 341, 353-354 (2000).

In any event, the trial court did not clearly err in finding that §§ 19b(3)(b)(ii), (g), and (j) were each proven by clear and convincing evidence. The child had been in foster care for two years because of neglect, stemming in part from respondent's inability to financially support her. After services, the child was eventually returned home. Respondent then allowed her boyfriend,

[1] Petitioner concedes that termination was improper under § 19b(3)(b)(iii), because respondent did not have notice that termination would be sought on that basis.

a known sex offender who had been imprisoned for sexually abusing his own daughter, to move in with her. Respondent downplayed the severity of her boyfriend's conduct and failed to protect her daughter from the boyfriend's verbal abuse and attempted sexual molestation, and further refused to leave him because she had become financially dependent upon him.

Respondent's reliance on *Fritts v Krugh*, 354 Mich 97, 114; 92 NW2d 604 (1958),[2] overruled on other grounds by *In re Hatcher*, 443 Mich. 426, 444 (1993), for the proposition that petitioner was required to prove, and the trial court was required to find, that she would neglect her child for the long-term future is misplaced. *Fritts* predates the enactment of § 19b(3), which now sets forth the criteria for termination.

Further, the evidence did not clearly show that termination of respondent's parental rights was not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000). Contrary to respondent's argument, the trial court was not obligated to place the child with relatives and maintain temporary wardship in lieu of termination. See *In re IEM,* 233 Mich App 438, 453; 592 NW2d 751 (1999), *In re McIntyre,* 192 Mich App 47, 53; 480 NW2d 293 (1991), and *In re Futch,* 144 Mich App 163, 170; 375 NW2d 375 (1984). The trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Patrick M. Meter
/s/ Michael R. Smolenski
/s/ Deborah A. Servitto

[2] *In re Schmeltzer*, 175 Mich App 666, 676; 438 NW2d 866 (1989), which respondent cites in her appellate brief, relied on *Fritts*.