

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JAYNAZE MARVIN KING, JR.,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JUANITA ARIZEE KING,

Respondent-Appellant,

and

MICHAEL WILLIAMS,

Respondent.

UNPUBLISHED

October 22, 2009

No. 291029

Wayne Circuit Court

Family Division

LC No. 03-418829

Before: Saad, C.J., and O'Connell, and Zahra, JJ.

PER CURIAM.

Respondent Juanita King appeals as of right from the trial court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), (h), (i), (k), and (l). We affirm.

Although respondent challenges the trial court's decision with respect to several of the statutory grounds for termination, she does not dispute that termination was justified under §§ 19b(3)(i) (parental rights to child's siblings were previously terminated after attempts to rehabilitate the parent were unsuccessful) and (l) (parent's right to another child were previously terminated). A trial court's decision to terminate parental rights need only be supported by a single statutory ground. *In re Sours*, 459 Mich 624, 632; 593 NW2d 520 (1999). Thus, because respondent does not challenge the trial court's decision with respect to §§ 19b(3)(i) and (l), it is unnecessary to consider the remaining statutory grounds.

Nonetheless, we briefly address § 19b(3)(c)(i),¹ which provides for the termination of parental rights under following circumstances:

(c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the following:

(i) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

Here, Jaynaze was adjudicated a court ward primarily because respondent continued to abuse marijuana, failing to stop even while she was pregnant. Other conditions leading to adjudication were respondent's unstable housing and income status. These problems were never resolved. Respondent failed to complete two drug treatment programs. She submitted only two drug screens in 2008, both of which were ordered on a day when she attended a court hearing, and both tested positive.

Respondent argues that petitioner failed to prove that she could not benefit from a drug treatment program if she were able to complete one. She blames petitioner for preventing her from completing a program by not giving her bus tickets. However, we conclude that respondent's long history of abusing marijuana for nearly 14 years, including repeated failures to complete treatment in recent years, clearly outweighs her speculative claim that she could complete a program if she had bus tickets or if she enrolled in an inpatient program.

Additionally, respondent failed to establish housing or an income. She denied petitioner access to the home where she lived with her aunt. She failed to make any progress at her plan to obtain her own home. Under these circumstances, the trial court did not err in terminating her parental rights under § 19b(3)(c)(i).

We also conclude that the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests.

The trial court's finding that termination of respondent's parental rights was in the child's best interests was supported by the ample evidence of respondent's longstanding substance abuse problem, her repeated failure to complete and benefit from treatment, and her failure to comply

¹ Petitioner concedes that the trial court erred in relying on §§ 19b(3)(c)(ii) and (h) as additional statutory grounds for termination, because neither of these subsections are applicable to respondent's situation. The trial court did not specify which subsection of § 19b(3)(k) it found was established. Because respondent does not contest the termination of her parental rights pursuant to §§ 19b(3)(i) and (l), and because we have concluded that the trial court did not clearly err in finding that §§ 19b(3)(c)(i) and (g) were also both established, it is unnecessary to consider whether any of the subsections in § 19b(3)(k) might apply to respondent and, if so, whether they were established by clear and convincing evidence.

with the trial court's condition to obtain visitation, i.e. drug screening. Evidence that respondent fed and diapered the child properly on one occasion is insignificant in contrast to the overwhelming evidence of parental unfitness. Respondent's prognosis to change her circumstances was poor. The trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests.

Affirmed.

/s/ Henry William Saad

/s/ Peter D. O'Connell

/s/ Brian K. Zahra