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 TERRICK ROY, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JENNIFER ROY,

Respondent-Appellant,

and

MATTHEW ROY,

Respondent.

UNPUBLISHED
September 13, 2007

No. 276177
Macomb Circuit Court
Family Division
LC No. 2006-000220-NA

In the Matter of JEREMIAH ROY, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JENNIFER ROY,

Respondent-Appellant,

and

MATTHEW ROY,

Respondent.

No. 276178
Macomb Circuit Court
Family Division
LC No. 2006-000221-NA

In the Matter of TEA ROY, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JENNIFER ROY,

Respondent-Appellant,

and

MATTHEW ROY,

Respondent.

No. 276179
Macomb Circuit Court
Family Division
LC No. 2006-000222-NA

Before: Borrello, P.J., and Jansen and Murray, JJ.

PER CURIAM.

In these consolidated appeals, respondent-mother appeals by right the family court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(a)(*ii*), (g), and (j). We affirm. Respondent-father is not a party to these appeals.

To terminate parental rights, the family court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993). "Once a ground for termination is established, the court must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000); see also MCL 712A.19b(5). We review the family court's findings for clear error, MCR 3.977(J); *Trejo*, *supra* at 356-357, and recognize the court's special opportunity to assess the credibility of the witnesses, *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Among other things, the petition alleged that the children had been observed with unexplained bruises on their bodies, that the parents had struggled to keep food in the home, that respondent-mother had failed to cooperate with services, that respondent-mother had a history of cocaine and heroin addiction, and that one of the children had tested positive for cocaine at birth. Respondent-mother pleaded no contest to the petition and the court assumed jurisdiction.

The court adopted a parent-agency agreement that required respondent-mother to address her substance abuse problem within a reasonable time. However, the referee was notified in September 2006 that both parents had again relapsed into drug use. The referee gave respondent-mother an additional 45-day period to address her substance abuse issues. Respondent-mother then failed to appear before the referee for the next two regularly scheduled court dates. Counsel notified the court that although respondent-mother had briefly checked into a detoxification program, she checked herself out of the program on the very same day. The court changed the plan from reunification to termination, and subsequently authorized the termination petition.

Sufficient statutory grounds for termination were proven in this case. Respondent-mother concedes in her brief on appeal that she was unable to provide proper care and custody for the children at the time of trial. However, she asserts that there was a reasonable probability that she would improve and become able to provide proper care and custody within a reasonable time. Because of her history of drug use, it remained unlikely that respondent-appellant would be able to successfully rectify her substance abuse problem, even with continued services. This evidence clearly and convincingly established grounds for termination. MCL 712A.19b(3)(g); *In re Conley*, 216 Mich App 41, 44; 549 NW2d 353 (1996). Furthermore, because of respondent-appellant's recurring episodes of substance abuse, during which time she was unable to provide for her children, it was reasonably likely that the children would be harmed if returned to her care. MCL 712A.19b(3)(j); see also *In re Shawboose*, 175 Mich App 637, 641; 438 NW2d 272 (1989) (noting that the respondent's alcohol abuse, coupled with a disinclination to correct it and a failure to cooperate with treatment, resulted in neglect that "posed serious threats to [the] children's future welfare"). The family court did not err in determining that MCL 712A.19b(3)(g) and (j) were established by clear and convincing evidence.[1] MCR 3.977(J); *Trejo*, *supra* at 356-357.

Nor did the family court err in finding that termination would not be clearly contrary to the children's best interests. MCL 712A.19b(5). The weight of the evidence showed that termination would not harm or negatively impact the children. On the record before us, we cannot conclude that the family court clearly erred in this regard. MCR 3.977(J); *Trejo*, *supra* at 356-357.

In light of our conclusion that termination was proper under MCL 712A.19b(3)(g) and (j), we decline to address respondent-mother's assertion that the family court erred by allowing amendment of the petition to include MCL 712A.19b(3)(a)(*ii*).

[1] We need not determine whether MCL 712A.19b(3)(a)(*ii*) was proven in this case because only one statutory ground is required to affirm the termination order. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Affirmed.

/s/ Stephen L. Borrello
/s/ Kathleen Jansen
/s/ Christopher M. Murray