

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of WILLIAM ANDREW SKYLAR
ECKLES III, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WILLIAM ECKLES and DONNA DITTMAR,
a/k/a DONNA ECKLES,

Respondent-Appellants.

UNPUBLISHED
November 18, 2004

No. 255152
Otsego Circuit Court
Family Division
LC No. 03-000167-NA

Before: Donofrio, P.J., and Markey and Fort Hood, JJ.

MEMORANDUM.

Respondents William Eckles and Donna Dittmar¹ appeal as of right orders terminating their parental rights to the minor child, William Andrew Skylar Eckles III (d/o/b 8/4/03), under MCL 712A.19b(3)(i) (prior termination of parental rights for serious abuse or neglect and no rehabilitation) and (l) (prior termination of parental rights)². We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

¹ Known as Donna Eckles after respondents were married in the course of this case.

² Temporary custody was placed with the Family Independence Agency by petition filed on the date of birth of the minor and jurisdiction was conferred by jury verdict, entered December 1, 2003.

Respondents' parental rights were terminated under MCL 712A.19b(3)(i) and (l), that provide:

(3) The court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, 1 or more of the following:

(i) Parental rights to 1 or more siblings of the child have been terminated due to serious and chronic neglect or physical or sexual abuse, and prior attempts to rehabilitate the parents have been unsuccessful.

(l) The parent's rights to another child were terminated as a result of proceedings under section 2(b) of this chapter or a similar law of another state.

After reviewing the record evidence, we conclude that the trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights. Termination of respondents' parental rights to an older child, Christopher, is undisputed. Therefore, subdivision (l) was clearly satisfied and is all that is necessary for termination of parental rights to William, since only one statutory ground for termination is required. *In re Powers*, 244 Mich App 111, 117; 624 NW2d 472 (2000).

Further, there was no evidence that respondents could or would provide a safe home for William. And, there was no evidence that respondents had benefited from the many services offered and already provided to them. Therefore, the evidence did not show that termination of respondents' parental rights was clearly not in the child's best interests.

Affirmed.

/s/ Pat M. Donofrio
/s/ Jane E. Markey
/s/ Karen M. Fort Hood