

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of MYKENNA KAE BROOKS,  
Minor.

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

UNPUBLISHED  
April 6, 2006

Petitioner-Appellee,

v

BRIDGET MARIE PITTMAN,

No. 265055  
Wayne Circuit Court  
Family Division  
LC No. 03-422246-NA

Respondent-Appellant,

and

MICHAEL JOHN BROOKS,

Respondent.

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Before: Smolenski, P.J., and Owens and Donofrio, JJ.

PER CURIAM.

Respondent-appellant appeals as of right the order terminating her parental rights to her minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

A petitioner must establish at least one statutory ground for termination of parental rights by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). We must affirm the lower court's decision if there was clear and convincing evidence of any statutory ground, regardless whether the lower court erred in finding sufficient evidence under other statutory grounds. *In re Huisman*, 230 Mich App 372, 384-385; 584 NW2d 349 (1998).

In the present case, petitioner offered sufficient evidence of a statutory ground to terminate respondent-appellant's rights under MCL 712A.19b(3)(c)(i). After nearly two years, respondent-appellant had not rectified the conditions leading to adjudication, specifically criminality, substance abuse, and lack of independent, stable housing. On appeal, respondent-appellant cites her efforts to comply with her treatment plan and petitioner's request for dismissal of an earlier termination petition. Respondent-appellant substantially complied with her

treatment plan in late 2004 and early 2005; however, she did not maintain any progress on the problems that led to the child's removal. At the time of the termination hearing, she was incarcerated for attempted joyriding and expected to serve at least five and a half more months. Her last drug screens were positive for cocaine and marijuana; she admitted using both drugs at least once after her last inpatient treatment. She never obtained independent housing or maintained stable employment throughout the proceedings.

Respondent-appellant's failure to maintain any progress after nearly two years made it unlikely she would rectify the conditions leading to adjudication in a reasonable time. Therefore, the lower court did not err when it found clear and convincing evidence of a statutory ground to terminate respondent-appellant's rights under MCL 712A.19b(3)(c)(i). It also did not err when it found clear and convincing evidence under MCL 712A.19b(3)(g) and (j). Respondent-appellant failed to provide proper care and custody when she used illegal substances and was evicted from her home. She was not reasonably likely to provide proper care within a reasonable time because of her incarceration, substance abuse relapse, and failure to maintain employment or obtain independent housing. The child was also likely to be harmed if returned because respondent-appellant could not provide a safe, stable environment free of crime and drugs.

Whenever a lower court finds a statutory ground for termination, it must terminate parental rights unless there is clear and convincing evidence that termination is not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 352-353; 612 NW2d 407 (2000). There is no specific burden on either party to present evidence of the child's best interests; rather, the trial court should weigh all evidence available. *In re Trejo, supra* at 354.

The primary evidence that termination was against the child's best interests was the clear attachment between respondent-appellant and her young child. Petitioner's own witness admitted the visits went well and the child was sad when respondent-appellant left. However, children also require permanence, *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991), and a safe, stable home, which respondent-appellant could not provide within a reasonable time.

The trial court, therefore, did not err when it held that termination was not against the child's best interests and terminated respondent-appellant's parental rights.

Affirmed.

/s/ Michael R. Smolenski

/s/ Donald S. Owens

/s/ Pat M. Donofrio