

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MARY MARKL, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MARGARET MARKL,

Respondent-Appellant,

and

RICHARD MONROE,

Respondent.

UNPUBLISHED

May 15, 2007

No. 274080

Kent Circuit Court

Family Division

LC No. 05-053416-NA

Before: Hoekstra, P.J., and Fitzgerald and Owens, 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) and (g). 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 a 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), overruled in part on other grounds, *In re Trejo*, 462 Mich 341, 354 n 10; 612 NW2d 407 (2000).

In the present case, respondent cites the incorrect subsection of MCL 712A.19b(3) in her brief on appeal and does not address the specific requirements of any statutory ground. Respondent instead argues that petitioner failed to make reasonable efforts to rectify the conditions leading to the child's removal, citing MCL 712.18f. See also *In re Fried*, 266 Mich App 535, 542; 702 NW2d 192 (2005). Respondent cites only the failure to provide referrals for a neuropsychological examination and parent nurturing class, and does not explain how either could have rectified the conditions that caused the child's removal. Respondent had already completed parenting classes, received a psychological examination, was undergoing therapy, and

received parenting instruction during parenting time. Respondent failed to establish that these efforts were not reasonable and that other referrals would have allowed respondent to provide a safe environment.

Petitioner provided sufficient evidence that respondent did not rectify the conditions leading to adjudication and was not reasonably likely to within a reasonable time, under MCL 712A.19b(3)(c)(i). Respondent could not apply her knowledge of unsafe situations to her own life, and her living-together partner failed to make the effort necessary to establish that he was not the person who sexually abused the child. Petitioner also provided sufficient evidence that respondent failed to provide proper care and custody and was not reasonably likely to within a reasonable time, under MCL 712A.19b(3)(g).

Whenever a lower court finds a statutory ground for termination, it must terminate parental rights unless termination was clearly against the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 352-353. There is no specific burden on either party; rather, the trial court should weigh all evidence available. *Id.* at 354. Respondent argues that she and the child shared a bond. See *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004). She argues further that she provided for the child's basic needs. However, there was significant question whether her parenting caused the child's delayed development, which improved dramatically in foster care. Further, respondent was unable to provide a secure environment for a child who claimed sexual abuse. The child's need for permanence was also relevant. See *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991).

The lower court did not err when it held that termination was not clearly against the child's best interests and terminated respondent's parental rights.

Affirmed.

/s/ Joel P. Hoekstra
/s/ E. Thomas Fitzgerald
/s/ Donald S. Owens