

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.M., J.M. and P.M., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LEANNA MARTIN,

Respondent-Appellant,

and

JOHN MARTIN,

Respondent.

UNPUBLISHED

May 17, 2002

No. 236452

Clinton Circuit Court

Family Division

LC No. 00-013713-NA

Before: Saad, P.J., and Owens and Cooper, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right the July 24, 2001 order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g) and (j). We affirm.

Respondent-appellant has a history of drug abuse and one of her children was born addicted to cocaine. There is also evidence that respondent-appellant left the children unsupervised and that sometimes they would miss school. At the time of the termination hearing, respondents had been evicted from the family's apartment for failing to pay rent and did not have stable housing. Respondent-appellant admitted to a foster care worker that the money set aside for rent was used to purchase drugs.

Respondent-appellant argues that the trial court based its termination decision on inadmissible hearsay evidence. We disagree.

A trial court may rely only on legally admissible evidence to assert jurisdiction over minors. MCR 5.972(C)(1). Likewise, legally admissible evidence must be used to prove circumstances warranting the termination of parental rights *if* the circumstances are new or different than those initially established at the adjudication. MCR 5.974(E); *In re Snyder*, 223

Mich App 85, 89-90; 566 NW2d 18 (1997). However, the trial court may consider hearsay during the termination hearing if it is merely supplemental evidence relating to matters already established at the adjudication. MCR 5.974(F)(2); *Snyder, supra* at 89-90. In this case, the evidence respondent-appellant challenges was supplemental evidence relating to matters already established at the adjudication, mainly her history of drug abuse in Arizona and Michigan. Accordingly, the trial court did not err in considering this evidence.

We also find no merit to respondent-appellant's contention that petitioner-appellee failed to make reasonable efforts at family reunification. Petitioner-appellee's caseworker arranged for respondent-appellant to receive appropriate services. It is pure speculation to argue that respondent-appellant would have avoided relapse if petitioner-appellee had given the therapist a copy of the psychological evaluation.

Moreover, the trial court did not clearly err in finding clear and convincing evidence to terminate respondent-appellant's rights under subsections 19b(3)(g) and (j). MCR 5.974(I); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Powers*, 244 Mich App 111, 117-118; 624 NW2d 472 (2001). The evidence established that respondent-appellant has a long history of drug abuse and that she is unlikely to resolve this problem within a reasonable time. Although the trial court did err in terminating respondent-appellant's parental rights under subsection 19b(3)(c)(i), the trial court need only find grounds for termination under one statutory provision. *In re TM (After Remand)*, 245 Mich App 181, 194, n, 4; 628 NW2d 570 (2001).

Because at least one ground for termination was established, the trial court was required to terminate respondent-appellant's parental rights unless it found that termination was clearly not in the best interests of the children. MCL 712A.19b(5); *Trejo, supra* at 364-365. To support her position that termination was not in the best interests of her children, respondent-appellant points out that she loved them and that they loved and missed her. Respondent-appellant also testified that she had accepted the fact that she is a drug addict but claimed that she planned to stay in recovery. However, given respondent-appellant's past history of drug abuse and false promises, we cannot say that the trial court's finding regarding the best interests of the children was clearly erroneous. *Trejo, supra*.

Affirmed.

/s/ Henry William Saad
/s/ Donald S. Owens
/s/ Jessica R. Cooper