

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LOGAN DAVID GOODWIN and
LINDSEY CAROL GOODWIN, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TINA CALDWELL,

Respondent-Appellant,

and

ROBERT GOODWIN,

Respondent.

UNPUBLISHED

June 22, 2006

No. 267712

St. Joseph Circuit Court

Family Division

LC No. 04-000916-NA

Before: Davis, P.J., and Sawyer and Schuette, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right the order terminating her parental rights to her minor children under MCL 712A.19b(3)(a)(ii) 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). Petitioner provided clear and convincing evidence that respondent-appellant abandoned her children and made no effort to regain custody for more than ninety-one days, under MCL 712A.19b(3)(a)(ii). Respondent-appellant disappeared for nearly four months before she was arrested. She stopped visiting her children and did not contact a service worker or even her own attorney. She provided no evidence that she was actually in a rehabilitation program. Because the trial court did not err in terminating respondent-appellant's parental rights under MCL 712A.19b(3)(a)(ii), we need not decide whether petitioner also offered sufficient evidence under the alternative statutory ground. See *In re Trejo Minors*, 462 Mich 341, 352-353; 612 NW2d 407 (2000). Although respondent-appellant argues that petitioner should have granted her a full year to demonstrate her ability to parent, despite her four-month disappearance, she concedes that no law or court rule required petitioner to wait a year.

Whenever a lower court finds a statutory ground for termination, it must terminate parental rights unless termination was clearly against the children's best interests. MCL 712A.19b(5); *id.* The trial court did not clearly err in its best interests determination. The foster care worker admitted the three visits were appropriate and the children still asked about their mother, although they did not seem upset by the idea of adoption. However, respondent-appellant chose to disappear indefinitely rather than visit her children and participate in services, which indicated she was unable to put her children's needs first. She also failed to establish any stable housing or income and was facing drug-related charges, from which she absconded. Further, the court was not required to specifically state which factual findings supported the best interests decision and was not even required to make a best interests decision because respondent-appellant offered no best interests evidence. See *In re Gazella*, 264 Mich App 668, 677-678; 692 NW2d 708 (2005).

Affirmed.

/s/ Alton T. Davis
/s/ David H. Sawyer
/s/ Bill Schuette