

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of NEVAEH MARTIN, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SAMANTHA MAY JONES,

Respondent-Appellant,

and

VINCENT A. MARTIN,

Respondent.

UNPUBLISHED

September 19, 2006

No. 267708

Kent Circuit Court

Family Division

LC No. 04-052707-NA

Before: Sawyer, P.J., and Fitzgerald and O'Connell, JJ.

MEMORANDUM.

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). In the present case, petitioner provided sufficient evidence that respondent-appellant was not reasonably likely to rectify certain conditions leading to adjudication, specifically unstable housing and employment and failure to follow through with the child's critical medical appointments. Respondent-appellant repeatedly left or lost jobs throughout the proceedings and was unemployed at the time of termination. She lived with her mother in an appropriate environment; however, she had only recently returned and was not able to live independently if she chose to leave or the environment became unsuitable, as it had in the past. Although respondent-appellant had always been able to care for her daughter's basic medical needs, she failed to demonstrate her commitment and ability to attend every necessary medical appointment.

The lower court, therefore, did not err when it found clear and convincing evidence of a statutory ground to terminate respondent-appellant's parental rights under MCL 712A.19b(3)(c)(i). Similar evidence also supported the court's finding of clear and convincing

evidence that respondent-appellant could not provide proper care and custody in 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 the court also finds that termination is clearly against 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. *Id.* at 354. In the present case, respondent-appellant was appropriate during the visits and the child expressed affection for her. However, the child was very young when she last lived with respondent-appellant and was still quite young at the time of termination. She required a permanent home and commitment to her medical care that respondent-appellant could not provide. Therefore, the lower court did not err when it held that termination was not clearly against the child's best interests and terminated respondent-appellant's parental rights.

Affirmed.

/s/ David H. Sawyer
/s/ E. Thomas Fitzgerald
/s/ Peter D. O'Connell