STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of TONY LOVELL DAVIS, JR., and TO'NEA VONETTE DAVIS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TONY L. DAVIS, SR.,

Respondent-Appellant,

and

TERESA RIDDLE,

Respondent.

UNPUBLISHED
June 12, 2007

No. 275545
Berrien Circuit Court
Family Division
LC No. 2005-000113-NA

In the Matter of TONY LOVELL DAVIS, JR., and TO'NEA VONETTE DAVIS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TERESA RIDDLE,

Respondent-Appellant,

and

TONY L. DAVIS, SR.,

Respondent.

No. 275620
Berrien Circuit Court
Family Division
LC No. 2005-000113-NA

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

PER CURIAM.

Respondents Tony L. Davis, Sr. and Teresa Riddle appeal as of right from an order terminating their parental rights to the twin minor children under MCL 712A.19b(3)(a)(ii), (c)(i),[1] (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that §§ 19b(3)(g) and (j) were established by clear and convincing evidence with respect to both respondents. MCR 3.977(J); *In re Miller*, 433 Mich 331, 344-345; 445 NW2d 161 (1989); *In re Conley*, 216 Mich App 41, 42; 549 NW2d 353 (1996). Tests indicated that respondent mother was abusing cocaine and marijuana shortly before the twins' birth, and they were placed in foster care about ten months later after respondent mother locked them and respondent father out of her house on a cold November evening. At the time of termination proceedings in January 2007, neither respondent had any housing, any transportation, or a driver's license. By that time, the children were almost two years old and had been in foster care for 15 months. Respondent mother had only been out of jail less than a week, and respondent father was still in jail. Respondent mother was on probation, but owed significant fines and court costs, and had no intention of paying off old fines to regain her driver's license. Because of a disagreement with a caseworker, she had not seen the children since late August 2006, even though she was not arrested and incarcerated until November. Apart from completing a psychological evaluation and submitting to drug screens, neither respondent completed the services required of them, including couples and individual counseling, or recommended parenting classes. Under the circumstances, the trial court did not clearly err in finding that termination of respondents' parental rights was warranted under § 19b(3)(g).

Because only a single statutory ground is required to terminate parental rights, it is unnecessary to consider whether termination was also warranted under §§ 19b(a)(ii), (c)(i), or (j).

Concerning the children's best interests, while the evidence indicated that both respondents demonstrated love and appropriate behavior during visits, respondents did not consistently visit the children for most of the 15-month duration of this case and did not visit them at all while they were incarcerated. They did not adequately attend parenting classes or counseling, and did not have housing or transportation. At the time of the January termination proceeding, respondent father was still incarcerated, and respondent mother was living in a shelter and anticipating a living arrangement at a male friend's one-bedroom apartment. The children were coping well in foster care. They recognized and interacted with respondents, but had spent 15 months out of their two-years on earth in foster care. Despite opportunities, respondent mother decided not to visit them for more than two months before her incarceration further impeded her ability to visit them. According to the record before us, the children were

[1] Only respondent Riddle's parental rights were terminated under § 19b(3)(c)(i).

not especially bonded with either respondent, and the evidence presented does not clearly demonstrate that termination of respondents' parental rights was not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354, 356; 612 NW2d 407 (2000). Therefore, the trial court did not err in terminating respondents' parental rights to the children.

Affirmed.

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