

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
October 16, 2012

In the Matter of B. V. LEDUC, Minor.

No. 310172
Isabella Circuit Court
Family Division
LC No. 2011-000075-NA

Before: OWENS, P.J., and TALBOT and WILDER, JJ.

MEMORANDUM.

T. M. Peil appeals as of right from the trial court’s order terminating her parental rights to her son, “BVL.”¹ We affirm.

“In a termination of parental rights proceeding, a trial court must find by clear and convincing evidence that one or more grounds for termination exist and that termination is in the child’s best interests.”² An appellate court “review[s] for clear error both the [trial] court’s decision that a ground for termination has been proven by clear and convincing evidence and, where appropriate, the [trial] court’s decision regarding the child’s best interest.”³ The trial court’s termination decision “is clearly erroneous if, although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made.”⁴

On appeal, Peil only challenges the trial court’s finding that she failed to provide proper care and custody to BVL.⁵ Peil, however, does not challenge the court’s finding that termination of her parental rights to BVL was proper because her parental rights to another child had been

¹ MCL 712A.19b(3)(g) (failure to provide proper care and custody), (*l*) (parental rights to another child were terminated).

² *In re HRC*, 286 Mich App 444, 459; 781 NW2d 105 (2009).

³ *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

⁴ *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

⁵ MCL 712A.19b(3)(g).

terminated.⁶ Because the establishment of only one ground to terminate parental rights is sufficient, we need not address Peil's assertion that she provided the child with proper care and custody.⁷

Peil next argues that the trial court clearly erred when it found that termination was in BVL's best interests. We disagree. The child was removed from Peil's care as a newborn and spent his entire life in foster care. Peil visited her child with some consistency and there was some evidence that the two bonded. Peil, however, was unable to provide the child with the permanency and stability that he needed. Peil stopped visiting the child and failed to maintain contact with the Department of Human Services. Additionally, Peil has unresolved substance abuse issues, and has demonstrated a complete unwillingness to participate in reunification services. At the time of the termination proceedings, Peil was incarcerated for failing to pay child support. Prior to her incarceration, she had no stable housing or employment. Moreover, given Peil's history and the record before us, there was no reasonable expectation that Peil would secure stable housing and employment within a reasonable time, if ever, after she was released from jail. Accordingly, the trial court properly found that termination was in the child's best interests.

Affirmed.

/s/ Donald S. Owens
/s/ Michael J. Talbot
/s/ Kurtis T. Wilder

⁶ MCL 712A.19b(3)(l).

⁷ *Trejo*, 462 Mich at 360.