

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of PAMELA HOOPER, Minor.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

UNPUBLISHED  
September 14, 2004

v

PATRICIA ANN HOOPER,  
  
Respondent-Appellant.

No. 254321  
Wayne Circuit Court  
Family Division  
LC No. 95-327301

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Before: Donofrio, P.J., and White and Talbot, JJ.

MEMORANDUM.

Respondent appeals as of right the order terminating her parental rights. We affirm.

On appeal, respondent argues that petitioner failed to present clear and convincing evidence in support of the statutory grounds for termination, and that termination was not in the best interest of the child.

Under MCL 712A.19b(3), the petitioner bears the burden of proving at least one ground for termination. *In re Trejo Minors*, 462 Mich 341; 612 NW2d 407 (2000). Once the petitioner has presented clear and convincing evidence that persuades the court that a ground for termination is established, termination of parental rights is mandatory unless the court finds that termination is clearly not in the child's best interests. *Id.* at 355-356. Decisions terminating parental rights are reviewed for clear error. *Id.* at 356.

The petition alleged that respondent failed to provide proper care and custody, that parental rights to a sibling have been terminated due to neglect or abuse, and that the child was likely to be harmed if returned to respondent's custody. MCL 712A.19b(3) provides for termination when

(g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

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(i) Parental rights to 1 or more siblings have been terminated due to serious and chronic neglect or physical or sexual abuse, and prior attempts to rehabilitate the parents have been unsuccessful.

(j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

There is clear and convincing evidence to support the termination of respondent's parental rights. The court only needed one statutory ground for termination to support its order. *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000). There is no question that respondent's parental rights to a sibling were terminated for neglect. Respondent argues for a statutory interpretation that would recognize the passage of time, but there is no language in the statute putting a time limit on the effect of a prior termination, and no reason for recognizing such a limit in the instant case. Further, the evidence established by clear and convincing evidence that the child would be at risk if returned to respondent, who demonstrated no ability to care for her. Finally, where respondent never had a relationship with the child, there is no showing that termination would not be in the best interest of the child.

Affirmed.

/s/ Pat M. Donofrio  
/s/ Helene N. White  
/s/ Michael J. Talbot