

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

July 13, 2010

In the Matter of B. N. GIBBENS, Minor.

No. 294588

Wayne Circuit Court

Family Division

LC No. 09-487351-NA

Before: K. F. KELLY, P.J., and WILDER and GLEICHER, JJ.

PER CURIAM.

Respondent appeals as of right from the order terminating his parental rights to the minor child under MCL 712A.19b(3)(a)(i) and (b)(ii). We affirm.¹

Respondent's sole argument is that the trial court erred by finding clear and convincing evidence in support of the statutory grounds for termination. We disagree. We review for clear error a trial court's determination that one or more statutory ground for termination has been established by clear and convincing evidence. *In re Williams*, 286 Mich App 253, 271; 779 NW2d 286 (2009). A trial court properly terminates a respondent's parental rights if it finds that at least one of the statutory grounds for termination has been established by clear and convincing evidence and that clear and convincing evidence also supports the conclusion that termination is in the child's best interests. MCL 712A.19b(5); see *In re Jenks*, 281 Mich App 514, 516; 760 NW2d 297 (2008). Only one statutory ground is necessary for termination. *In re KMP*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Here, the trial court found that a statutory ground for termination of respondent's parental rights was established by clear and convincing evidence under MCL 712A.19b(3)(a)(i),² which provides:

¹ This appeal has been decided without oral argument pursuant to MCR 7.214(E).

² The trial court also found that a ground for termination of respondent's parental rights was established under MCL 712A.19b(3)(b)(ii) (failure to protect from physical or sexual abuse). Petitioner concedes on appeal that the trial court clearly erred in this finding. Because only one ground for termination need be proven by clear and convincing evidence, and we conclude that grounds for termination were established under § 19b(3)(a)(i), we need not consider the propriety of the trial court's finding under § 19b(3)(b)(ii). See *In re KMP*, 244 Mich App at 118.

(a) The child has been deserted under any of the following circumstances:

* * *

(ii) The child's parent has deserted the child for 91 or more days and has not sought custody of the child during that period.

Failure to make "any substantial effort to communicate with [the child] or obtain assistance in regaining custody of [the child] for a period well beyond the statutory period" constitutes grounds for termination under this subsection. *In re TM*, 245 Mich App 181, 193-194; 628 NW2d 570 (2001). Further, the alleged reasons for desertion are not relevant under the statute. *Id.*

Respondent had no contact with the minor child since the time she was three months old until the termination hearing, when she was 13 years of age—a period far in excess of the 91-day statutory period. Respondent, however, claims that he was unable to maintain a bond with his daughter because the mother had moved, he did not know where his child was, and because the mother had obtained a personal protection order against him. However, the reasons for abandonment are irrelevant. See *id.* Respondent made no efforts for legal custody, or to even locate the minor child, from 2001 through 2009. Accordingly, the trial court did not err in terminating respondent's parental rights to the minor child under MCL 712A.19b(3)(a)(ii).

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Kurtis T. Wilder
/s/ Elizabeth L. Gleicher