

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of SHELDON BREON and CHYNNA  
ALEXIS FELDER, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner -Appellee,

v

LAWRENCE FELDER,

Respondent -Appellant.

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UNPUBLISHED

May 25, 2001

No. 229540

Wayne Juvenile Division

LC No. 81-229102

Before: McDonald, P.J., and Murphy and Meter, JJ.

PER CURIAM.

Respondent Lawrence Felder appeals by right from the family court’s order terminating his parental rights to two minor children under MCL 712A.19b(3)(a)(ii); MSA 27.3178(598.19b)(3)(a)(ii) (“[t]he child’s parent has deserted the child for 91 or more days and has not sought custody of the child during that period”); MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i) (“[t]he parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds . . . [that t]he conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child’s age”); MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g) (“[t]he 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”); MCL 712A.19b(3)(i); MSA 27.3178(598.19b)(3)(i) (“[p]arental rights to 1 or more siblings of the child have been terminated due to serious and chronic neglect or physical or sexual abuse, and prior attempts to rehabilitate the parents have been unsuccessful”); and MCL 712A.19b(3)(j); MSA 27.3178(598.19b)(3)(j) (“[t]here 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").<sup>1</sup>

We review for clear error a family court's finding that a statutory basis for termination has been met. MCR 5.974(I); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Once a statutory basis has been proven by clear and convincing evidence, see MCL 712A.19b(3); MSA 27.3178(598.19b)(3), the court must terminate parental rights unless the court finds that termination is clearly not in the best interests of the child. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *Trejo, supra* at 344, 355. A family court's finding on the best interests prong is also reviewed by this Court for clear error. *Id.* at 356-357, 365.

Respondent, from whom the children were initially taken because of substance abuse and housing issues, contends that there was no clear and convincing evidence justifying the termination of his parental rights because he was complying with his substance abuse treatment program and because his lack of housing resulted from petitioner's inadequate assistance in helping him seek housing. He further contends that termination was contrary to the children's best interests.

Respondent's arguments are without merit. Indeed, the following amply supported the family court's decision: (1) the testimony of a foster care worker, Christina Sanford, that respondent was dismissed from a drug treatment program because of a relapse and an altercation with a worker, (2) Sanford's testimony that respondent failed to complete the aftercare portion of another drug treatment program, (3) Sanford's testimony that respondent failed to provide documentation regarding parenting classes, (4) Sanford's testimony that respondent had inadequate housing, (5) respondent's admission that he had inadequate housing, (6) the lack of evidence that petitioner did anything amiss in helping respondent obtain housing, and (7) respondent's admission that he failed to provide documentation of his compliance with his treatment plan. These factors demonstrated that respondent, without regard to intent, could not provide proper care for the children and would not be able to do so in a reasonable amount of time. Accordingly, the family court did not clearly err in ruling that termination was warranted under MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g) and that termination was not contrary to the best interests of the children. Because only one statutory basis need be established to warrant termination, see *Trejo, supra* at 360, the additional statutory grounds cited by the family court need not be addressed.

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<sup>1</sup> The family court appears to have erred by citing the desertion provision as a basis for termination. Indeed, there was no evidence of desertion presented. The family court further erred by citing the "termination of rights to another child" provision as a basis for termination with respect to respondent. Indeed, it was only the mother of the instant children, and not respondent, who had her rights to other children terminated. Nevertheless, these erroneous citations by the court do not warrant reversal, since, as stated *infra*, only one statutory basis need be established to warrant termination.

Affirmed.

/s/ Gary R. McDonald  
/s/ William B. Murphy  
/s/ Patrick M. Meter