

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DEONTEZ DERROLL
WILLIAMS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DANA DEANNINE BIGGERS,

Respondent-Appellant.

UNPUBLISHED

April 22, 2010

No. 293198

Wayne Circuit Court

Family Division

LC No. 95-335378-NA

Before: JANSEN, P.J., and CAVANAGH and K. F. KELLY, JJ.

MEMORANDUM.

Respondent appeals by right the trial court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (h), (i), (j), and (l). We affirm. This appeal has been decided without oral argument. MCR 7.214(E).

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). "If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made." MCL 712A.19(b)(5). The trial court's decision on both of these matters is reviewed for clear error. MCR 3.977(J).

Respondent's involvement with child protective services began in 1995 when her oldest child was burned in the bathtub. She received extensive services over the years and a plethora of chances. Respondent's parental rights to her three oldest children were terminated in 2006 because she disciplined them with a BB gun. In addition, respondent had an extensive criminal history with 14 convictions, at least six incarcerations, and numerous probation violations. Respondent gave birth to the minor child in the instant case while she was incarcerated for assault and battery and obstructing a police officer. Her current incarceration involved, at the earliest, a release date of April 2010 and a maximum release date of 2023, at the discretion of the parole board.

The trial court did not clearly err by finding that at least one of the statutory grounds for termination had been established by clear and convincing evidence. Respondent's parental rights to three siblings of the minor child had already been terminated because of serious and chronic neglect and physical abuse, and prior attempts to rehabilitate respondent had been unsuccessful. Thus, there was sufficient evidence to establish the statutory grounds enumerated in MCL 712A.19b(3)(i) and (l). Moreover, given respondent's extensive history with protective services, the previous termination of her rights to three other children, her current incarceration, and her extensive criminal history, the evidence showed that respondent was unable to provide proper care and custody for the minor child considering the child's age and that there was a reasonable likelihood that the child would be harmed if returned to respondent's care. The statutory grounds for termination enumerated in MCL 712A.19b(3)(g) and (j) were therefore satisfied by clear and convincing evidence as well.¹

Nor did the trial court clearly err with respect to its best-interests determination under MCL 712A.19b(5). In light of respondent's long history of involvement with child protective services, her limited insight into how her destructive behavior impacted the child, and her current incarceration, we cannot say that the trial court clearly erred by finding that termination of respondent's parental rights was in the child's best interests. MCR 3.977(J).

Affirmed.

/s/ Kathleen Jansen
/s/ Mark J. Cavanagh
/s/ Kirsten Frank Kelly

¹ Because only one statutory ground must be proven in order to terminate a respondent's parental rights, see *In re McIntyre*, 192 Mich App at 50, we need not determine whether petitioner presented sufficient evidence to establish the statutory ground in MCL 712A.19b(3)(h).