

STATE OF MICHIGAN
COURT OF APPEALS

In Re DAQUAN KLINK, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KYLE KLINK,

Respondent-Appellant.

UNPUBLISHED

July 7, 2000

No. 223417

Jackson Circuit Court

Family Division

LC No. 97-019412-NA

Before: Jansen, P.J., and Hood and Saad, JJ.

MEMORANDUM.

Respondent appeals as of right from the order terminating her parental rights. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The Family Independence Agency initiated proceedings to terminate respondent's parental rights to her son. The evidence showed that respondent, who had lost custody of her son for a time on a previous occasion when she faced criminal charges, was facing additional criminal charges, including a third habitual offender charge. Other evidence showed that respondent repeatedly left her son without adequate adult supervision, returned home in an intoxicated state, and allowed a weapon and narcotics in her home in her son's presence. Respondent denied that she left her son without adult supervision, or that she allowed weapons or narcotics in her home. The court found that clear and convincing evidence existed to terminate respondent's parental rights under MCL 712A.19b(3)(g) and (j); MSA 27.3178(598.19b)(3)(g) and (j), for failure to provide proper care and custody, and risk of future harm.

To terminate parental rights, the family court must find that at least one of the statutory grounds for termination in MCL 712A.19b; MSA 27.3178(598.19b) has been met by clear and convincing evidence. *In re JS and SM*, 231 Mich App 92, 97; 585 NW2d 326 (1998). If a statutory ground is established, the court must terminate parental rights unless it finds that to do so would not be in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich

App 470, 472; 564 NW2d 156 (1997). We review the family court's findings of fact under the clearly erroneous standard. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The family court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. A witness testified that respondent repeatedly left her son without adequate adult supervision, and allowed a weapon and narcotics to be in her home in her son's presence. The family court found the testimony of this witness to be credible; we defer to that finding based on the family court's superior ability to judge the credibility of a witness appearing before it. *Id.* The evidence showed that respondent would be unable to provide proper care of and custody of the child for the foreseeable future, and that the child would be at risk if he were returned to respondent's care. MCL 712A.19b(3)(g) and (j); MSA 27.3178(598.19b)(3)(g) and (j). Respondent failed to present evidence that termination was not in the best interests of the child. *Hall-Smith, supra*, 473.

Affirmed.

/s/ Kathleen Jansen

/s/ Harold Hood

/s/ Henry William Saad