

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DAMIEN WADE UNDERWOOD,
JESSE WADE UNDERWOOD, and CHELSEA
CHEYENNE MELSON, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DIANDREA UNDERWOOD,

Respondent-Appellant,

and

DANIEL MELSON,

Respondent.

UNPUBLISHED

September 22, 2000

No. 225766

Van Buren Circuit Court

Juvenile Division

LC No. 98-010526

Before: Doctoroff, P.J., and Holbrook and Smolenski, JJ.

MEMORANDUM.

Respondent-appellant Diandrea Underwood appeals as of right from an order of the Van Buren Circuit Court, Juvenile Division, terminating her parental rights to her three children, Damien Underwood, Jesse Underwood, and Chelsea Melson, pursuant to MCL 712A.19b(3)(g) and (j); MSA 27.3178(598.19b)(3)(g) and (j). The court also terminated the parental rights of respondent Daniel Melson pursuant to MCL 712A.19b(3)(g), (h), and (j); MSA 27.3178(598.19b)(3)(g), (h), and (j). We affirm.

We review the trial court's findings under the clearly erroneous standard. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). After having reviewed the record, we conclude that the juvenile court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *Id.* Although the trial court clearly erred in finding that respondent's relationship with Reeves was "replete with domestic violence," the evidence that the

respondent's relationship with Reeves was volatile, that he had kicked her out of the house on at least one occasion, and that he had no interest in helping the mother comply with the case treatment plan by allowing FIA workers into his residence for visitation, demonstrates that the mother's relationship with Reeves would not provide a stable environment for the children. Therefore, despite the trial court's clearly erroneous finding regarding the respondent's relationship with Reeves, we conclude that the trial court's ultimate finding that the statutory grounds for termination were established by clear and convincing evidence was not clearly erroneous.

Furthermore, the trial court did not clearly err in concluding on the whole record that the evidence did not clearly show that termination was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo*, __ Mich __; __ NW2d __ (2000), slip op, p 14. We therefore affirm the trial court's order terminating respondent's parental rights.

Affirmed.

/s/ Martin M. Doctoroff
/s/ Donald E. Holbrook, Jr.
/s/ Michael R. Smolenski