

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TIUATE JE'VON DAVIS and
DIUATE DE'VON DAVIS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SAMMIE OLIVE,

Respondent-Appellant,

and

CAROLYN LYNETTE LEVER,

Respondent.

UNPUBLISHED
November 7, 2000

No. 222934
Wayne Circuit Court
Juvenile Division
LC No. 90-286433

Before: Jansen, P.J., and Doctoroff and O'Connell, JJ.

MEMORANDUM.

Respondent Sammie Olive appeals as of right from an order of the Wayne Circuit Court, Juvenile Division, terminating his parental rights to his two children, Tiuat Je'von Davis (born 3/27/89) and Diuata De'von Davis (born 3/27/89), pursuant to MCL 712A.19b(3)(a)(ii), (b)(i), (b)(ii), (c)(i), (g), (i), and (j); MSA 27.3178(598.19b)(3)(a)(ii), (b)(i), (b)(ii), (c)(i), (g), (i), and (j).¹ We affirm the

¹ The court also terminated the parental rights of the children's mother, Carolyn Lynette Lever. The mother has not appealed the termination.

termination of respondent's parental rights under MCL 712A.19b(3)(b)(i), (c)(i), (g), and (j); MSA 27.3178(598.19b)(3)(b)(i), (c)(i), (g), and (j).

Once a trial court determines that a statutory ground for termination has been shown by clear and convincing evidence, the trial court must terminate parental rights unless the record, as a whole, demonstrates that termination clearly is not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors*, 462 Mich App 341, 352-353; __ NW2d __ (2000). In an appeal from an order terminating parental rights, this Court reviews the trial court's findings under the clearly erroneous standard. MCR 5.974(I); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999). A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

We conclude that the trial court clearly erred in ordering the termination of respondent's parental rights under MCL 712A.19b(3)(a)(ii), (b)(ii), and (i); MSA 27.3178(598.19b)(3)(a)(ii), (b)(ii), and (i) because the evidence did not support those grounds for termination. However, after having reviewed the record, we conclude that the trial court did not clearly err in finding that the remaining statutory grounds for termination, specifically, MCL 712A.19b(3)(b)(i), (c)(i), (g), and (j); MSA 27.3178(598.19b)(3)(b)(i), (c)(i), (g), and (j), were proven by clear and convincing evidence. Despite respondent's completion of several requirements of the parent/agency agreement, in the approximately four years since his children were taken into care, he failed to show that he successfully addressed his domestic violence issues and that he could provide a stable, safe home for his children.

Furthermore, the trial court did not clearly err in concluding on the basis of the whole record that the evidence did not establish that termination was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo, supra* at 352-353, 364-365. We therefore affirm the trial court's order terminating respondent's parental rights.

Affirmed.

/s/ Kathleen Jansen
/s/ Martin M. Doctoroff
/s/ Peter D. O'Connell