

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BENJAMIN KNOWLTON, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARK KNOWLTON,

Respondent-Appellant.

UNPUBLISHED
February 16, 2001

No. 229412
Kent Circuit Court
Family Division
LC No. 97-088001-NA

Before: Talbot, P.J., and Sawyer and Markey, JJ.

MEMORANDUM.

Respondent appeals by right the family court order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j); MSA 27.3178(598.19b)(3)(c)(i), (g), and (j). We affirm.

Although respondent asserts that the trial court's decision to terminate his rights was based on the child's age and the child's desire to have respondent's rights terminated, the record does not support this assertion. The trial court's opinion clearly reveals that the court focused on respondent's ability to properly parent the child and whether the statutory grounds for termination had been proven. Further, in reaching its decision to terminate, the court did not compare respondent's home or status with that of the foster parents.

We conclude that the family court did not clearly err in finding that at least one statutory ground for termination was established by clear and convincing evidence. MCR 5.974(I); *In re Trejo*, 462 Mich 341, 350; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence established that respondent was unable to give the child daily care, structure, guidance, and discipline. Further, respondent had not provided the child with educational support and appropriate housing for a long period of time. The record reveals that respondent could not follow through with his obligations such that he could adequately parent the child in this case. The evidence also indicated that the child would be at a significant risk for emotional devastation if returned to respondent's care.

Further, the evidence did not clearly establish that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *Trejo, supra* at 354. Contrary to respondent's assertion that the trial court did not disclose any reasons for its best interests conclusion, the court's opinion states that its best interests finding was based on the testimony presented and the legislative mandate for permanency. In fact, the court went beyond the statutory best interest inquiry by concluding that termination was in the child's best interests. *Trejo, supra* at 357. The family court did not err in terminating respondent's parental rights to the child.

We affirm.

/s/ Michael J. Talbot
/s/ David H. Sawyer
/s/ Jane E. Markey