

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of R.W.S., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JODI WILLIAMS,

Respondent-Appellant

and

DAVID SHERMAN,

Respondent.

UNPUBLISHED

June 5, 2001

No. 230555

Dickinson Circuit Court

Family Division

LC No. 99-000502-NA

Before: Sawyer, P.J., and Smolenski and Whitbeck, JJ.

MEMORANDUM.

Respondent-appellant Jodi Williams appeals as of right from an order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). We affirm.

In a termination proceeding, the petitioner bears the burden of demonstrating at least one statutory basis for termination, by clear and convincing evidence. MCR 5.974(F)(3); *In re Trejo Minors*, 462 Mich 341, 350; 612 NW2d 407 (2000). Once that statutory basis for termination is shown, the trial court shall terminate parental rights unless it finds that doing so is clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); MCR 5.974(F)(3); *Trejo, supra* at 344. This Court reviews for clear error both the trial court's decision that a ground for termination has been proven by clear and convincing evidence and the trial court's best interest finding. *Id.* at 356-357; MCR 5.974(I). "A finding is 'clearly erroneous' [if] although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989), quoting *In re Riffe*, 147 Mich App 658, 671; 382 NW2d 842 (1985).

In the present case, the trial court terminated appellant's parental rights under statutory subsections 19b(3)(c)(i) and (g). Appellant first argues that the trial court improperly focused on her alcoholism and multiple relapses, rather than the periods during which she remained sober. We disagree. The record supports the trial court's determination that appellant was unlikely to resolve her alcohol problem within a reasonable time, considering the child's age. Appellant next argues that the trial court erroneously focused on her choices regarding male companions and on her financial condition. Again, we disagree. The record supports the trial court's evaluation of appellant's lack of judgment in choosing her companions. The record also supports the trial court's finding that appellant's alcohol dependence and relapses prevented her from maintaining steady employment. Appellant was not able to support herself financially, let alone provide for a small child.

Finally, appellant challenges the trial court's best interest determination. We conclude that the record supports the trial court's decision. The child's psychologist testified that termination would be traumatic for the child, no matter when it occurred. The trial court concluded that the short-term trauma caused by termination did not outweigh the long-term benefits of termination. Clearly, appellant was not able to care for the child at the time of termination. The question was how long the child should be forced to spend in foster care, waiting for a recovery that appellant might never attain. This child has already spent a significant portion of her life waiting for appellant to deal with her alcoholism. We cannot say that the trial court clearly erred in finding that the child's best interests weighed against further delay in establishing a permanent and stable home environment for the child.

Affirmed.

/s/ David H. Sawyer

/s/ Michael R. Smolenski

/s/ William C. Whitbeck