

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.B.C., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

THERESA ELIZABETH CIBER,

Respondent-Appellant.

UNPUBLISHED

July 3, 2001

No. 220589

Wayne Circuit Court

Family Division

LC No. 96-349010-NA

Before: Bandstra, C.J., and White and Collins, JJ.

MEMORANDUM.

Respondent appeals as of right from the family court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Once a trial court determines that one or more statutory grounds for termination have been established by clear and convincing evidence, the court must terminate parental rights unless “there exists clear evidence, on the whole record, that termination is not in the child’s best interests.” *In re Trejo Minors*, 462 Mich 341, 354; 612 NW2d 407 (2000). In challenging the trial court’s decision in the instant matter, respondent does not argue that the court erred in finding that subsections 19b(3) (c)(i), (g), and (j) had been established by clear and convincing evidence,¹ but rather that termination of her parental rights was contrary to the child’s best interest. Our review of a trial court’s findings with respect to a child’s best interests is for clear error. *Id.* at 356; see also 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). After careful review of the record, we are not left with such a conviction.

¹ Nonetheless, we note that testimony regarding respondent’s long-standing and serious drug problem, her failure to comply in any meaningful way with the parent-agency agreement, and her sporadic visitation with the minor child supports termination under all three subsections.

Contrary to respondent's assertions, her failure to consistently attend scheduled visitation and effectively participate in drug treatment counseling, as required under the parent-agency agreement, weigh heavily against a finding that termination of her parental rights was not in the child's best interests. Evidence at trial indicated that these failures have significantly strained, if not destroyed, any meaningful relationship she may have once had with the child. Conversely, testimony offered by the child's foster care worker indicates that the child is presently benefiting from a "stable, nurturing environment" in which he is both happy and healthy.

Under these circumstances, we do not believe that the court erred in determining that termination of respondent's parental rights was not adverse to the child's best interests. This remains true despite the testimony of both respondent and her drug therapist that if given more time and guidance, respondent would likely be able to care for the child. In citing this testimony, respondent inappropriately places the focus of the best interests inquiry on her own circumstances and desire for custody of the minor. As noted by our Supreme Court in *Trejo*, *supra*, "[t]he primary beneficiary [of this inquiry] is intended to be the child." *Id.* at 356. Here, as noted by the trial court, the child "is at an age where permanent planning is essential for continued growth and development." Despite respondent's claim of renewed commitment to compliance with the parent-agency agreement, the child has already spent a significant portion of his life waiting for respondent to deal with her substance abuse problems. Accordingly, 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.

We affirm.

/s/ Richard A. Bandstra
/s/ Helene N. White
/s/ Jeffrey G. Collins