

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of HELENA TEICHMAN and  
NAOMI TEICHMAN, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TIMOTHY TEICHMAN,

Respondent-Appellant,

and

KAREN TEICHMAN,

Respondent.

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UNPUBLISHED

July 27, 2001

No. 228901

Shiawassee Circuit Court

Family Division

LC No. 97-008137-NA

Before: Wilder, P.J., and Hood and Griffin, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court's June 2, 2000, order terminating his parental rights to the minor children. We affirm.

On September 27, 1999, the trial court issued an opinion in which it found that petitioner established statutory grounds for termination under MCL 712A.19b(3)(c)(i) and (g), and that termination of respondent-appellant's parental rights was in the children's best interests. However, the trial court delayed entry of an order terminating respondent-appellant's parental rights for a six-month period. In a prior appeal, this Court reversed the trial court's delaying order and remanded for entry of an order terminating respondent-appellant's parental rights. *In re Teichman*, unpublished opinion per curiam of the Court of Appeals, decided May 12, 2000 (Docket No 222736). The six-month delay was erroneous because, upon finding that a statutory ground for termination was established, the court was required to order termination of respondent-appellant's parental rights, unless termination was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353; 612 NW2d 407 (2000).

On appeal, respondent-appellant argues that the trial court's September 27, 1999, opinion should be interpreted as a finding that, despite his past and current problems, there remained a reasonable likelihood that he could resolve those problems within a reasonable period. We disagree. The trial court clearly and unequivocally stated that there was no likelihood of respondent-appellant becoming a fit parent within a reasonable period of time. The trial court's decision to impose a six-month delay on the order was in the nature of a discretionary act of leniency. It does not negate the trial court's factual finding of no reasonable likelihood that respondent would be able to provide proper care and custody within a reasonable time. The court's decision to delay entry of the order, which this Court subsequently reversed as a violation of the statute, cannot be reasonably inferred as a favorable finding for respondent-appellant.

We review a trial court's findings of fact under the clearly erroneous standard. MCR 5.974(I); *In re Trejo, supra* at 356-357; *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Under this standard, the trial court's decision "must strike [the reviewing court] as more than just maybe or probably wrong." *In re Trejo, supra* at 341, quoting *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999). We find no clear error in the trial court's finding that petitioner presented clear and convincing evidence of the statutory grounds for termination.

Affirmed.

/s/ Kurtis T. Wilder  
/s/ Harold Hood  
/s/ Richard Allen Griffin