

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of M.A.T.H., T.L.C., M.D.C., and
B.K.S.C., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KIONTAE LEE CALDWELL,

Respondent-Appellant.

UNPUBLISHED

August 27, 2002

No. 235998

Wayne Circuit Court

Family Division

LC No. 96-347331

Before: Cooper, P.J., and Hoekstra and Markey, JJ.

MEMORANDUM.

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

Respondent disputes the trial court's findings of fact and alleges that the evidence was insufficient to establish statutory grounds for termination of her parental rights. We disagree. This Court reviews the trial court's findings of fact for clear error. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). "A finding of fact is clearly erroneous where the reviewing court is left with a definite and firm conviction that a mistake has been made." *In re Terry*, 240 Mich App 14, 22; 610 NW2d 563 (2000). Due regard must be given to the trial court's unique ability to assess the witnesses' credibility. *Miller, supra* at 337.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Terry, supra* at 21-22. In this case, there was ample evidence on the record to support the trial court's finding that respondent failed to appreciate the severity of her children's special needs and the extraordinary demands of caring for them. Although the trial court erred in describing the length of time respondent was without appropriate housing, it was essentially correct in finding that she had been dilatory in establishing suitable housing for her family. Furthermore, the evidence clearly established that respondent lacked the ability to simultaneously manage the needs of a young child with ordinary needs and those of three children who required constant supervision and intensive care.

Respondent raises numerous other arguments concerning the trial court's findings of fact, weighing of evidence, and assessment of witnesses' credibility. This Court recognizes that the trial court, while not infallible, is in a better position to weigh evidence and evaluate a witness' credibility. *Fletcher v Fletcher*, 229 Mich App 19, 29; 581 NW2d 11 (1998). Accordingly, these arguments are without merit.

Further, because at least one ground for termination was established, the trial court was required to terminate respondent's parental rights unless the trial court found that termination was clearly not in the children's best interests. MCL 712A.19b(5), *In re Trejo*, 462 Mich 341, 364-365; 612 NW2d 407 (2000). The trial court's finding regarding the children's best interests was not clearly erroneous. *Trejo, supra*.

Affirmed.

/s/ Jessica R. Cooper

/s/ Joel P. Hoekstra

/s/ Jane E. Markey