

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of M.J.G. and J.A.G., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WENDY GAUTHIER,

Respondent-Appellant,

and

PHILLIP DARABOS,

Respondent.

In the Matter of B.R.G., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WENDY GAUTHIER,

Respondent-Appellant,

and

CHARLES MAGOO,

Respondent.

UNPUBLISHED

October 25, 2002

No. 240925

Saginaw Circuit Court

Family Division

LC No. 95-023722-NA

No. 240926

Saginaw Circuit Court

Family Division

LC No. 95-023724-NA

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

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WENDY GAUTHIER,

Respondent-Appellant,

and

THOMAS TACKLEBURY,

Respondent.

No. 240927
Saginaw Circuit Court
Family Division
LC No. 95-023725-NA

Before: Hoekstra, P.J., and Wilder and Zahra, JJ.

PER CURIAM.

In these consolidated cases, respondent Gauthier appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g) and (j). We affirm.

Respondent does not deny that there were grounds for termination of her parental rights. She contends only that the trial court erred in finding that termination was in the children's best interest.

If the court finds grounds for termination of parental rights, it is required to order termination unless it "finds that termination of parental rights to the child is clearly not in the child's best interests." MCL 712A.19b(5). This means that "[o]nce a statutory ground for termination of parental rights is established, the court must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). The family court's decision regarding the child's best interests is reviewed for clear error. *Id.* at 356-357. A finding of fact is clearly erroneous if, although there is evidence to support it, the reviewing court is left with a definite and firm conviction that a mistake has been made. *In re Vasquez*, 199 Mich App 44, 51-52; 501 NW2d 231 (1993).

The trial court did not clearly err in finding that termination was in the children's best interest. Not only did respondent persistently fail to comply with various treatment plans over

several years, the foster care worker testified that termination would be in the children's best interest if respondent failed to comply with the *Adrianson*¹ agreement because her continuing substance abuse problem presented a risk of harm to the children. Respondent herself admitted that if she failed to comply with the agreement, termination of her parental rights was in the children's best interest. Having conceded the issue below, respondent has waived it on appeal. *Living Alternatives for the Developmentally Disabled, Inc v Dep't of Mental Health*, 207 Mich App 482, 484; 525 NW2d 466 (1994).

Affirmed.

/s/ Joel P. Hoekstra
/s/ Kurtis T. Wilder
/s/ Brian K. Zahra

¹ *In re Adrianson*, 105 Mich App 300, 316; 306 NW2d 487 (1981).