

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of Z.T.M., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JENNIFER McCARTY,

Respondent-Appellant,

and

MICHAEL LEE,

Respondent-Not Participating.

UNPUBLISHED

April 13, 2004

No. 252141

Ingham Circuit Court

Family Division

LC No. 00-054859-NA

Before: Cavanagh, P.J., and Murphy and Smolenski, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(a)(ii). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

Respondent-appellant does not dispute the trial court's finding that the statutory ground was established by clear and convincing evidence. In any event, we find the trial court did not clearly err in finding that MCL 712A.19b(3)(a)(ii) was established. See MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). We similarly reject respondent-appellant's attempt to frame the issue as a denial of her right to due process. Contrary to her argument, the trial court did recognize that respondent-appellant appeared able to provide for the minor's physical needs and found that the evidence did not support termination under two additional grounds requested by petitioner, MCL 712A.19b(3)(g) and (j).

Furthermore, although the trial court recognized that respondent-appellant appeared to be properly caring for another child who remained in her care, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the best interests of the minor. See MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). He was two years old when he entered foster care and had not lived with respondent-appellant for at least a year when he was removed from the home of his father. Respondent-appellant did not consistently attend parenting time when the minor initially entered foster care and had not seen him in approximately seven months at the time of the termination hearing. The evidence established that there did not appear to be a bond between respondent-appellant and the minor, respondent-appellant was described as a "virtual stranger" to him, and the visits with respondent-appellant were disruptive to him.

Affirmed.

/s/ Mark J. Cavanagh
/s/ William B. Murphy
/s/ Michael R. Smolenski