STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of DANIEL GLEN DOUGHERTY, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SUE ELLEN JARVIS,

Respondent-Appellant,

and

BRIAN DOUGHERTY,

Respondent.

UNPUBLISHED
April 15, 2004

No. 251195
Presque Isle Circuit Court
Family Division
LC No. 03-000005-NA

In the Matter of ELIZABETH R. JARVIS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SUE ELLEN JARVIS,

Respondent-Appellant,

and

No. 251197
Presque Isle Circuit Court
Family Division
LC No. 03-000004-NA

GRANT JUNIOR HAVEN,

Respondent.

Before: O'Connell, P.J., and Jansen and Murray, JJ.

PER CURIAM.

Respondent-appellant appeals as of right, in these consolidated cases, from the trial court orders terminating her parental rights to the minor children under MCL 712A.19b(3)(m). We affirm.

Respondent-appellant concedes that the statutory ground for termination of parental rights was established by clear and convincing evidence. The only issue before us is whether the evidence showed that termination of respondent-appellant's parental rights was clearly not in the children's best interests. A court's decision regarding best interests is reviewed for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

While there was evidence indicating that respondent-appellant was able to parent the older child, the trial court relied on the psychological testimony and evidence concerning respondent-appellant's violent temper and blackouts, as well as her poor impulse control, poor decision-making, and tendency to engage in harmful relationships. For instance, respondent-appellant had intended to marry an incarcerated sex offender who would live with her children. The trial court also found concerns regarding substance abuse. This evidence indicating the potential for harm to the children weighed against the children's best interests. In addition, there was no evidence of strong bonding. The evidence on the record did not show that the termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo*, *supra* at 356-357. Giving regard to the special opportunity of the trial court to assess the credibility of the witnesses who appeared before it, we are not left with a firm and definite conviction a mistake was made. See MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Thus, the trial court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Peter D. O'Connell
/s/ Kathleen Jansen