

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AMBER LYNN MOTLEY,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PENNY SIMCOX,

Respondent-Appellant,

and

BERRY MOTLEY,

Respondent.

UNPUBLISHED

May 11, 2004

No. 252578

Isabella Circuit Court

Family Division

LC No. 02-000011-NA

Before: Murray, P.J., and Neff and Donofrio, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that the statutory grounds were established by clear and convincing evidence. 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). The evidence established that, although respondent-appellant had rectified some of the conditions leading to adjudication, including unstable housing, she remained unable to effectively parent Amber and control Amber's behavior. Moreover, respondent-appellant had attempted suicide two months prior to the termination hearing and Amber also attempted suicide while the case was proceeding in the lower court. The trial court based its decision on the testimony from numerous witnesses which established that, given respondent-appellants failure to rectify all of the conditions that led to the adjudication, and given her age and what she had already gone through, Amber needed a stable environment now, and could not wait for respondent-appellant's attempts to improve her parenting skills. As the trial court stated:

[t]here is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age. Amber is ten years old at the present time. The mother has had a variety of services for almost a year, and she has had extensive services with past protective service involvement dating back to 1991. Her rights to one of her children were terminated in 1993. According to Randall Christensen, the prognosis for her improvement is poor. Amber is ten and approaching adolescence and her counselor and Randall Christensen testified that it is imperative that she be placed in a structured environment when [sic] she, where she is parented instead of her taking on the parenting role.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the best interests of the child. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). It is undisputed that respondent-appellant and Amber had a strong bond, and Amber's therapist did testify that breaking that bond could be detrimental to Amber in various ways. However, there was countervailing evidence that if Amber continued with the respondent-appellant, she would be permanently impaired. As such, we are not left with a definite and firm conviction that the trial court made a mistake, particularly when we are mindful of the trial court's superior ability to assess the credibility of the witnesses. MCR 2.613(C); *Miller, supra* at 337; 445 NW2d 161 (1989); *In re Terry*, 240 Mich App 14, 22; 610 NW2d 563 (2000). In rendering its decision, the trial court went to great lengths in analyzing all of the evidence, made detailed findings of fact, and clearly articulated its reasons for termination. The trial court noted the difficulty it had in terminating parental rights, given the strong bond between Amber and respondent. The trial court therefore fulfilled its judicial duties, and we are not convinced it clearly erred in doing so.

Affirmed.

/s/ Christopher M. Murray

/s/ Janet T. Neff

/s/ Pat M. Donofrio