

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of EMILY TREE, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TERRIE LETTS,

Respondent-Appellant,

and

RYAN TREE,

Respondent.

UNPUBLISHED

August 12, 2004

No. 253338

Midland Circuit Court

Family Division

LC No. 98-000366-NA

Before: Hoekstra, P.J., and Cooper and Kelly, 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)(g) and (j). We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's determination regarding the child's best interests for clear error. *Id.* at 356-357.

It is undisputed that the child was a victim of sexual abuse and that this abuse has seriously affected her emotional health.¹ The expert testimony indicated that the child must be

¹ What is not clear is the identity of the perpetrator or perpetrators. The child has identified a "Brandon," her father, and two maternal uncles.

raised in an environment that is stable, secure and predictable to promote her emotional health. The trial court properly found that respondent-appellant was not in a position to provide a safe and secure environment for her daughter as she was unable to provide proper care or custody for her child within a reasonable time, given the child's age. Respondent-appellant continued her pattern of relationships with violent men and brought the child into an environment that included a man with two domestic violence convictions. On another occasion, respondent-appellant, in violation of a court order, permitted her daughter to have telephone contact with one of the maternal uncles she had initially identified as a perpetrator of the sexual abuse. These events are clear indications that respondent-appellant did not really appreciate what was necessary to provide the child with an environment that would give her a sense of safety and security.

At the time the child came into the FIA's care, respondent-appellant initially presented herself as an adequate caregiver. During visitation, she demonstrated acceptable parenting skills and clearly bonded with her daughter. Further, respondent-appellant participated in many services. Nonetheless, there was clear and convincing evidence to support the trial court's conclusion that this compliance was merely a façade and respondent-appellant was sabotaging any placement with the paternal grandparents. Respondent-appellant entered a nolo contendere plea to arson charges related to her brothers' burning down the home of the child's paternal grandparents. Respondent-appellant lied on several occasions about her employment and housing. Further, when the child was in respondent-appellant's care, she missed several sessions of treatment, as did the child. When the child was removed from respondent-appellant's care in June of 2003, respondent-appellant made no effort to comply with the treatment plan. At the time of termination, respondent-appellant's employment was sporadic and her housing unsuitable. The trial court did not clearly err in finding that grounds for termination existed.

Respondent-appellant also argues that, even if grounds for termination were present, termination was not in the child's best interests. However, as the court found grounds for terminating parental rights, it was required to terminate unless it found that termination of parental rights was not in the child's best interests. Respondent-appellant relies on the very clear bond that existed between her and her daughter. All of the experts acknowledged that the bond existed; however, each concluded that this bond could not overcome the fact that respondent-appellant was unable to provide a safe, secure and stable environment for the child. The trial court's finding regarding the child's best interests was not clearly erroneous. MCL 712A.19b(5); *Trejo, supra* at 364-365.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Jessica R. Cooper
/s/ Kirsten Frank Kelly