

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHIRESSA GRABLE, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
November 22, 2005

Petitioner-Appellee,

v

RENEE SMITH,

Respondent-Appellant.

No. 262012
Wayne Circuit Court
Family Division
LC No. 01-399345-NA

Before: Murphy, P.J., and Sawyer and Meter, JJ.

MEMORANDUM.

Respondent appeals as of right from the order terminating her parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding the statutory grounds established by clear and convincing evidence. MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 355; 612 NW2d 407 (2000).

Before addressing the statutory grounds relied upon by the trial court, respondent notes that a child's refusal to visit with the parent and/or return to a parent's home is not one of the enumerated grounds for termination. Although respondent states that a child's wishes should be respected, she argues that such wishes should not constitute grounds for termination. Respondent contends that the trial court terminated her parental rights solely on the child's wishes not to visit with respondent or return to her care. The trial court acknowledged that it had had the opportunity to speak with the child over the almost four years that the child was a temporary court ward. The trial court further acknowledged that the child had expressed a desire not to visit with respondent. However, we conclude that the trial court did not rely solely on the child's wishes in terminating respondent's parental rights. Rather, after reviewing the court's entire findings, we find that the trial court relied on such evidence as respondent's lack of progress in counseling and respondent's position that she would not stop physically disciplining her children. Therefore, respondent's argument has no merit.

The condition that led to adjudication was respondent's excessive discipline of her children. Respondent admitted to the excessive discipline techniques, refused to discuss the

incidents in counseling, and stated at the termination hearing that she planned to continue with her methods of physical discipline. Respondent's failure to address the discipline issues that brought the minor child and her older siblings into the court's custody over the almost four years that this case was pending and her position at the termination hearing that she would not stop using her methods of discipline support the trial court's findings.

Finally, respondent contends that she loves the child and desires to care for her. Although respondent expresses such love for the child, testimony revealed that respondent did not visit the child for months. The child needed more than respondent saying she loved this child. Therefore, the trial court did not err in determining that termination of respondent's parental rights was not against the child's best interests.

Affirmed.

/s/ William B. Murphy

/s/ David H. Sawyer

/s/ Patrick M. Meter