

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CRYSTAL LEE CRONK, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LINDA S. CRONK,

Respondent-Appellant.

UNPUBLISHED

May 3, 2007

No. 273026

Oakland Circuit Court

Family Division

LC No. 06-721029-NA

Before: Meter, P.J., and Kelly and Fort Hood, JJ.

MEMORANDUM.

Respondent appeals as of right the termination of her parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(ii), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent's sole argument is that the trial court clearly erred when it found that it was in the child's best interests to terminate respondent's parental rights.¹ The law governing best interests determinations in protective proceedings is well-established: once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights, unless the court finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). The trial court's decision is reviewed for clear error. *Id.* at 356-357.

A review of the entire record shows that the trial court did not clearly err in its best interests determination. The court admitted that it normally avoided terminating a parent's rights when the child in question was almost 16 years old. The court also noted the bond between respondent and the child and found that respondent's love for the child was sincere. However,

¹ This finding went beyond the statutory best interests inquiry. Although such a finding is not required by MCL 712A.19b(5), it "is permissible if the evidence justifies it." *In re Gazella*, 264 Mich App 668, 677-678; 692 NW2d 708 (2005).

those factors were outweighed by the trial court's finding that the child's progress had been impeded by her ongoing hope that respondent would soon become compliant. Both the foster care worker from the Department of Human Services and the psychological evaluator had described the relationship between respondent and the child as unhealthy, and the child herself demonstrated behavior that showed her skewed sense of reality vis-à-vis respondent. This type of thought process was both unrealistic and damaging to the child in that it trapped her into constantly trying to please respondent. It also disproved the DHS foster care worker's testimony that a continuation of the parent-child relationship might somehow benefit the child. Although it is unfortunately and undeniably true that the child would likely suffer emotional setbacks caused by this termination, the danger to the child's emotional well-being was much greater should respondent continue to be involved in the child's life.

Respondent had not been able to properly parent the child throughout the child's entire life, which had resulted in horrible child neglect and abuse. The fact that the minor child still had prospects for her future is a testament to the child's resourcefulness. The trial court did not clearly err when it tried to protect those prospects by terminating respondent's parental rights.

Affirmed.

/s/ Patrick M. Meter
/s/ Kirsten Frank Kelly
/s/ Karen Fort Hood