

STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of AMARIANNA MONASHA
RICKMAN, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MATTIE JAVON RICKMAN,

Respondent-Appellant.

UNPUBLISHED
February 26, 2008

No. 278304
Kent Circuit Court
Family Division
LC No. 06-050465-NA

Before: Wilder, P.J., and Saad, C.J., and Smolenski, J.

PER CURIAM.

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

Amarianna was born on January 23, 2006, and entered foster care on January 26, after testing positive for marijuana at birth. A petition was filed to take jurisdiction and terminate respondent's parental rights to Amarianna. The petition cited terminations of parental rights to respondent's five previous children. Respondent had her parental rights terminated on August 14, 2001, to her oldest two children. She then released her parental rights her next two children on October 26, 2001, and March 28, 2003. Her rights to her fifth child were terminated on December 7, 2004. Respondent had had problems with substance abuse and criminality, and she had previous convictions for cocaine and marijuana possession and cocaine delivery. She admitted using, and tested positive for, marijuana in February 2006.

Following a hearing, the court found all petition allegations established by a preponderance of legally admissible evidence and took jurisdiction of the minor child in June 2006. The court also found clear and convincing evidence to prove the statutory grounds in MCL 712A.19b(3)(l) and (m), but not subsections (i) and (j). However, at that point the court found termination not in Amarianna's best interests, because respondent had made significant changes. An order of disposition was entered on June 16, 2006. Respondent was required to comply with a parent agency agreement (PAA). Respondent had already begun her efforts at rehabilitation on her own. Over the next months, she continued to extend, in the court's words, "yeoman's efforts," and to make "tremendous strides" toward rehabilitation. She attended all

visitations and was appropriate with the child; finished substance abuse treatment and individual counseling; attended parenting classes, substance abuse and self-esteem groups, and AA/NA; had mostly negative screens; and appeared to have suitable housing and income.

Then on September 28, 2006, a drug raid took place at respondent's house. The house was a "fourplex," and respondent and several others were observed standing in a common entryway when the police van arrived. A bag containing six "rocks" of cocaine packaged in small baggies with the corners torn off ("corner baggies") was found on the steps, and respondent was seen standing nearest the cocaine. She was wearing a distinctive white jumpsuit. In her room, police found two boxes of baggies, including "corner baggies," and \$320 in cash. The raid was independent of the child neglect case; a Grand Rapids police officer had observed, over some time, movements on respondent's porch indicative of drug sales. People would arrive, respondent or another person would come out, things would change hands quickly, and the "visitors" would leave. However, respondent was not charged with any crime as a result of the raid.

Respondent argues that termination of her parental rights was not in the child's best interests. We disagree. Clear and convincing evidence supported termination of respondent's parental rights to Amarianna under at least MCL 712A.19b(3)(l) and (m), and the termination was not clearly contrary to the child's best interests. We review the trial court's findings under a clearly erroneous standard. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 353, 355-356; 612 NW2d 407 (2000). A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court's special opportunity to observe the witnesses. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

In the present case, the trial court chose to believe the police officer over respondent, her sister, and their friend. Having read the record, we find no clear error. The trial court reviewed the evidence at length and gave reasons for its opinion, which was clearly based on logic and the court's observation of the witnesses. The judge made specific and detailed findings on credibility. Although respondent did comply with her PAA with regard to counseling, visiting the child, attending drug treatment programs and providing screens, the trial court was persuaded that because there was credible evidence that respondent was involved in drug trafficking, Amarianna could not remain safe in respondent's home. We find no reversible error.

Affirmed.

/s/ Kurtis T. Wilder
/s/ Henry William Saad
/s/ Michael R. Smolenski