

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
August 30, 2012

In the Matter of T. LEMONS, Minor.

No. 307041
Kent Circuit Court
Family Division
LC No. 10-053018-NA

Before: MARKEY, P.J., and SHAPIRO and RONAYNE KRAUSE, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(g) and (j). We affirm.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence and that termination is in the best interests of the child. MCL 712A.19b(5); *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). The trial court's decision terminating parental rights is reviewed for clear error. MCR 3.977(K); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *Sours*, 459 Mich at 632-633. A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003); *In re Miller*, 433 Mich 331, 337; 455 NW2d 161 (1989). "Regard is to be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it." MCR 2.613(C); MCR 3.902(A); *Miller*, 433 Mich at 337.

This is a tragic case in which both the child and the respondent father have a Guardian ad Litem appointed. The child has extreme special needs, as does the respondent father. While the child suffers from severe physical infirmities, including needing a ventilator almost full time, respondent father has psychological issues and challenges of his own. Termination of parental rights was proper under MCL 712A.19b(3)(g) and (j).

The trial court also did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5); *Sours*, 459 Mich at 632-633. It is obvious in this tragic case that respondent father loves the child very much and wants very much to be there for her. He is simply unable to do so with the combination of his issues and the child's serious medical conditions. Thus, the trial court's best-interest determination was proper.

Affirmed.

/s/ Jane E. Markey

/s/ Douglas B. Shapiro

/s/ Amy Ronayne Krause