

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
July 5, 2012

In the Matter of R. L. VINCENT, Minor.

No. 307202
Van Buren Circuit Court
Family Division
LC No. 10-016738-NA

AFTER REMAND

Before: BECKERING, P.J., and OWENS and RONAYNE KRAUSE, JJ.

MEMORANDUM.

This case returns to this Court after remand to the trial court. Before remand, respondent father appealed as of right the trial court's order terminating his parental rights to the minor child. The trial court concluded that there were statutory grounds for termination under MCL 712A.19b(3)(g) and (h) and that termination was in the minor child's best interest, MCL 712A.19b(5). We affirmed the trial court's determination that two statutory grounds supported termination but vacated its best-interest determination and remanded for further consideration of that issue, including whether termination was appropriate given the child's placement with relatives. See generally *In re Mays*, 490 Mich 993; 807 NW2d 307 (2012) and *In re Mason*, 486 Mich 142, 164; 782 NW2d 747 (2010). Having reviewed the trial court's best-interest determination on remand, we affirm.

Once the petitioner has proven a statutory ground for termination by clear and convincing evidence, the circuit court must order termination if "termination of parental rights is in the child's best interests." MCL 712A.19b(5). We review for clear error a trial court's best-interest determination and its decision to terminate parental rights. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). A decision is clearly erroneous when, "although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003). We give regard to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it. MCR 2.613(C).

We conclude that the trial court did not clearly err in finding that termination of respondent's parental rights is in the child's best interests. See MCL 712A.19b(5). Forensic psychologist Dr. Paul Kitchen testified that, even though the child was currently placed with

relatives, termination was in the child's best interest because of the child's need for stability and permanency at his young age. See *In re VanDalen*, 293 Mich App 120, 141; 809 NW2d 412 (2011) (considering child's need for stability and permanency). According to Kitchen, a guardianship would not provide the child with the stability and permanency needed when compared to adoption because guardianship is much less permanent than adoption. Kitchen emphasized that adoption was not only preferable but crucial to the child because the child would form important bonds, his personality, and his ability to relate to others before the earliest date respondent would be released from prison. According to Kitchen, if the child "doesn't form a bond now . . . it's not gonna happen." Furthermore, the record evidence demonstrates that the child has no bond with respondent. Upon respondent's earliest release from prison, the child would be six years old and would not have seen respondent for about five and one-half years. Moreover, respondent did not comply with his court-ordered obligations: monthly letters to the child, child support, and participation in the "Angel Tree" program that serves children. Accordingly, we are not left with a definite and firm conviction that the trial court mistakenly determined that termination of respondent's parental rights is in the child's best interest.

Affirmed.

/s/ Jane M. Beckering

/s/ Donald S. Owens

/s/ Amy Ronayne Krause