

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
January 22, 2013

In the Matter of WILLIAMS, Minors.

No. 309113
Oakland Circuit Court
Family Division
LC No. 09-766163-NA

In the Matter of WILLIAMS, Minors.

No. 309120
Oakland Circuit Court
Family Division
LC No. 09-766163-NA

AFTER REMAND

Before: JANSEN, P.J., and BORRELLO and BECKERING, JJ.

MEMORANDUM.

This case returns to this Court after remand to the trial court. Before remand, respondents appealed as of right the trial court's order terminating their parental rights to the three minor children (SW, LW, and AW). The trial court concluded that there were statutory grounds for termination under MCL 712A.19b(3)(c)(i) and (g) and that termination was in the children's best interest, MCL 712A.19b(5). We affirmed the trial court's order terminating respondents' parental rights with respect to SW and LW. With respect to AW, we affirmed the trial court's determination that statutory grounds supported termination but vacated its best-interest determination and remanded for further consideration of that issue, including whether termination was appropriate given AW's placement with his maternal cousin. See generally *In re Olive/Metts*, 297 Mich App 35, 43-44; 823 NW2d 144 (2012); *In re Mays*, 490 Mich 993, 993-994; 807 NW2d 307 (2012); *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 trial 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 by finding that termination of respondents’ parental rights is in AW’s best interests. See MCL 712A.19b(5). Foster care worker Delores Bennett testified that, although AW was currently placed with a maternal cousin, termination was in AW’s best interest because of AW’s need for permanency. See *In re VanDalen*, 293 Mich App 120, 141; 809 NW2d 412 (2011) (considering child’s need for stability and permanency). According to Bennett, a guardianship would not provide AW with the permanency needed at his young age when compared to adoption, which is more permanent. Bennett emphasized that AW has lived very comfortably with his cousin since he was born about three years ago. Her home is the only home that AW has known. AW identifies her as his mother, and she is committed to adopting AW. Furthermore, respondents are unable to provide AW with a safe and appropriate home environment given their continued extensive drug use. Accordingly, we are not left with a definite and firm conviction that the trial court mistakenly determined that termination of respondents’ parental rights is in AW’s best interests.

Affirmed.

/s/ Kathleen Jansen
/s/ Stephen L. Borrello
/s/ Jane M. Beckering