STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of STERLING ALLEN GABEL, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHERRI GABEL,

Respondent-Appellant.

UNPUBLISHED
August 25, 1998

No. 204088
Ingham Juvenile Court
LC No. 00-003696

Before: Saad, P.J., and Jansen and Hoekstra, JJ.

PER CURIAM.

This case arises from a series of petitions concerning Sterling, the minor child. First, in June 1991, a petition for temporary custody was filed alleging inadequate care of Sterling and unfit home conditions. Respondent's family participated in the Intensive Neglect Services program from October 1991 to June 1994, and the court dismissed the case after deciding that respondent had received the maximum benefits possible. Next, in September 1995, a petition for temporary custody was filed, again alleging inadequate care of Sterling and unfit home conditions. The court granted the petition and made Sterling a temporary ward of the court. The court denied an October 1995 petition to terminate respondent's parental rights to Sterling, but a second petition to terminate respondent's parental rights was filed in January 1997. On May 21, 1997, the court granted the petition and entered an order terminating her parental rights pursuant to MCL 712A.19b(3)(c)(*i*), (g) and (j); MSA 27.3178(598.19b)(3)(c)(*i*), (g) and (j). Respondent now appeals as of right from this last order. We affirm.

We review a lower court's decision to terminate parental rights in its entirety for clear error. *In re Miller*, 433 Mich 331, 345; 445 NW2d 161 (1989); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). First, petitioner was required to prove that the cited statutory grounds for termination were supported by clear and convincing evidence. *Miller*, *supra* at 345. *Hall-Smith*, *supra* at 472. We find no clear error in the court's finding that petitioner satisfied this burden. In

support of MCL 712A.19b(3)(g); MSA 27.3178 (598.19b)(3)(g) ("failure to provide proper care or custody for the child"), petitioner presented evidence of the unsafe and unsanitary home conditions in which Sterling lived while with respondent. In support of MCL 712A.19b(3)(j); MSA 27.3178(598.19b)(3)(j) ("reasonable likelihood . . . that the child will be harmed if he or she is returned to the home of the parent"), petitioner presented evidence that Sterling suffers emotional harm living in the unstructured environment respondent provided him. Last, with regard to both factors, petitioner pointed out that Sterling, who was born on December 2, 1988, had been involved with the court since 1991 because of neglect charges based on similar allegations about respondent. See MCL 712A.19b(3)(c)(*i*); MSA 27.3178(598.19b)(3)(c)(*i*) ("conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the age of the child").

Second, respondent was required to put forth at least some evidence that termination was clearly not in Sterling's best interest. *Miller, supra* at 345; *Hall-Smith, supra* at 473. We find no clear error in the court's finding that respondent failed to present such evidence. In his lengthy decision from the bench, the court evidenced a thorough understanding of respondent's background and Sterling's needs. He acknowledged that testimony revealed an emotional bond between respondent and Sterling, but concluded that that evidence was not dispositive regarding Sterling's best interest. We agree. Absent any evidence addressing this issue by the parent, termination of parental rights is mandatory once a statutory ground for termination has been met by clear and convincing evidence. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *Hall-Smith, supra* at 473. Consequently, we affirm the order terminating respondent's parental rights to the child.

Affirmed.

/s/ Henry William Saad
/s/ Kathleen Jansen
/s/ Joel P. Hoekstra