STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of SYNQUIS SIMONE CATHRON,
ANDRE DELMAR CATHRON, JR., DE' ANDRE
CATHRON, and INEZ CATHRON, Minors.

FAMILY INDEPENDENCE AGENCY,

        Petitioner-Appellee,

v

ANDRE CATHRON,

        Respondent-Appellant,

and

JAMIE JOHNSON,

        Respondent.

Before: Jansen, P.J., and Doctoroff and O'Connell, JJ.

MEMORANDUM.

Respondent father appeals from an order terminating his parental rights to his minor children pursuant to MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g) and MCL 712A.19b(3)(h); MSA 27.3178(598.19b)(h). We affirm.

In a termination of parental rights case, a trial court must determine whether a statutory ground for termination exists based on clear and convincing evidence. If so, than MCL 712A.19b(5); MSA 27.3178(598.19b)(5) mandates that the trial court terminate the parent's rights unless "there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000).

Respondent first argues that the trial court had a viable option short of terminating his rights, and should have allowed his mother (the children's paternal grandmother) to act as a guardian to the

children. This argument is without merit. Respondent's mother admitted on the record that she had no interest in being the children's legal guardian.

Respondent next argues that the lower court record lacked clear and convincing evidence to support the order terminating his parental rights. We review for clear error the trial court's finding that petitioner proved a statutory ground for termination with clear and convincing evidence. MCR 5.974(I). We have carefully reviewed the record on appeal, the lower court's ruling, and the parties' briefs. Our review did not reveal clear evidence, on the whole record, that termination was not in the child's best interests.

Affirmed.

/s/ Kathleen Jansen
/s/ Martin M. Doctoroff
/s/ Peter D. O'Connell