

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KYLE ANDREW
DESCHENEAU, KIRA NICOLE VLIETSTRA,
and BRANDON JAMES VLIETSTRA, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARCIA DESCHENEAU,

Respondent-Appellant,

and

LEWIS CARTER,

Respondent.

UNPUBLISHED
February 22, 2002

No. 235448
Van Buren Circuit Court
Family Division
LC No. 99-012319

Before: Smolenski, P.J., and Doctoroff and Owens, JJ.

MEMORANDUM.

Respondent Marcia Descheneau appeals as of right the order terminating her parental rights to her son, Kyle Descheneau. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

A petition was filed seeking termination of respondent's parental rights under MCL 712A.19b(3)(g) and (j). The trial court found that both statutory grounds were established by clear and convincing evidence, and that termination was in the best interest of the child. Thus, the trial court terminated respondent's parental rights.

Under MCL 712A.19b(3), petitioner bears the burden of proving at least one ground for termination. *In re Trejo Minors*, 462 Mich 341, 355; 617 NW2d 407 (2000). Once the petitioner has presented clear and convincing evidence that persuades the court that a ground for termination is established, termination of parental rights is mandatory unless the court finds that termination is clearly not in the child's best interests. *Id.* at 355-356. Decisions terminating parental rights are reviewed for clear error. *Id.* at 356.

Here, the testimony showed that respondent made some progress in her counseling, but there was no reasonable likelihood that she would be able to provide proper care within a reasonable time. Respondent had not been able to provide a stable environment for the child, who was able to make progress after he was removed from respondent's home. Thus, we are not persuaded that the trial clearly erred by terminating respondent's parental rights pursuant to MCL 712A.19b(3)(g).¹ Finally, we are not persuaded that the trial court clearly erred by failing to conclude that termination would not be in the best interest of the child.

Affirmed.

/s/ Michael R. Smolenski

/s/ Martin D. Doctoroff

/s/ Donald S. Owens

¹ In addition, respondent does not contest the trial court finding that termination was proper under MCL 719A.19b(3)(j).