

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JW, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KIMBERLY WHITE,

Respondent-Appellant,

and

BRIAN MASHBURN,

Respondent.

UNPUBLISHED

March 8, 2002

No. 234946

Jackson Circuit Court

Family Division

LC No. 99-092109-NA

Before: Bandstra, P.J., and Murphy and Murray, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from an order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Trejo Minors*, 462 Mich 341, 356; 612 NW2d 407 (2000). If the court determines that the petitioner has proven by clear and convincing evidence one or more of the statutory grounds for termination, the court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *Trejo, supra* at 351-354.

The trial court did not clearly err in finding that petitioner established the existence of one or more grounds for termination by clear and convincing evidence. The conditions that led to the trial court's assertion of jurisdiction included respondent-appellant's inability to adequately supervise the child and concerns for his safety. These problems continued to exist at the time of termination. MCL 712A.19b(3)(c)(i). In addition, there was clear and convincing evidence that respondent was unable to communicate with the child, control his behavior, or

provide him with the structured environment he needed, and that he remained at risk of hurting himself. MCL 712A.19b(3)(g) and (j). Termination of respondent's parental rights was therefore proper.

Respondent-appellant also argues that the trial court erred in determining that termination was in the child's best interests. We disagree. Contrary to her argument, the evidence did not show that termination was clearly not in the best interests of the child. MCL 712A.19b(5); *Trejo, supra* at 356-357.

We affirm.

/s/ Richard A. Bandstra
/s/ William B. Murphy
/s/ Christopher M. Murray