

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.M.B., Minor.

TANYA WELLS and ANTONIO WELLS,

Petitioners-Appellees,

v

SHARIA LANAE BARR,

Respondent-Appellant,

and

MICHAEL MILLER,

Respondent.

UNPUBLISHED

August 23, 2002

No. 237571

Wayne Circuit Court

Family Division

LC No. 01-396996

Before: White, P.J., and Neff and Jansen, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to her child pursuant to MCL 712A.19b(3)(f)(i) and (ii).¹ We affirm.

Petitioners began caring for the child when he was approximately three weeks old. Petitioners became the child's legal guardians and received authority to adopt the child. Subsequently, they filed a petition seeking termination of respondent's parental rights.²

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more

¹ The trial court's order also terminated the parental rights of respondent Michael Miller, the putative father of the child. Miller has not appealed the order.

² The filing of such a petition by a guardian or guardians is specifically authorized by MCL 712A.19b(1).

statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.* at 356-357.

We hold the trial court did not clearly err in finding that clear and convincing evidence existed to terminate respondent's parental rights. The undisputed evidence established that respondent failed to provide financial support for the child during the two-year period prior to the filing of the petition to terminate her parental rights. Respondent acknowledged she was employed during a portion of that period, and maintained she did not provide financial support because she believed that petitioners were preventing her from visiting and contacting the child. The evidence established that respondent saw the child on occasion during family gatherings and gave the child small gifts during those events, but she actually visited him only two or three times during the relevant period. The trial court found petitioners' testimony to the effect that they attempted to cooperate with respondent in arranging visitation to be more credible than the testimony given by respondent and her mother to the effect that petitioners actively thwarted her attempts to visit and contact the child.

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted under MCL 712A.19b(3)(f)(i) and (ii) (the child has a guardian and the parent, having the ability to provide support and remain in contact with the child, has without good cause failed to do so). Furthermore, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. MCR 5.974(I); *Trejo, supra*.

Affirmed.

/s/ Helene N. White

/s/ Janet T. Neff

/s/ Kathleen Jansen