

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.S., K.S., R.S., N.S., and T.O.,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

DORISA FREESAR, a/k/a DORISA O'BRYANT,

Respondent-Appellant.

UNPUBLISHED
November 15, 2002

No. 240956
Allegan Circuit Court
Family Division
LC No. 01-028789-NA

Before: Griffin, P.J., and Gage and Meter, JJ.

MEMORANDUM.

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

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 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*, 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 petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights. At the termination hearing, respondent acknowledged that she deliberately avoided contacting petitioner for nine months after the children were removed from the home, and she did not seek custody of the children during that time. Respondent admitted

¹ The trial court's order also terminated the parental rights of non-participating respondents Thomas Sheldon, the putative father of J.S., K.S., R.S., and N.S., and Bill Cody, the putative father of T.O. Sheldon and Cody have not appealed the order.

she was unable to provide proper care for the children, and the children would be better served by being placed with persons who could provide the necessary care. Respondent could not provide a realistic estimate of when she might be able to provide proper care for the children. The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds of desertion, MCL 712A.19b(3)(a)(ii), and failure to provide proper care or custody, MCL 712A.19b(3)(g). The evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo, supra*.

Affirmed.

/s/ Richard Allen Griffin

/s/ Hilda R. Gage

/s/ Patrick M. Meter