

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of L.R.W., M.T.W., M.D.W., and
M.R.W., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHELLE RENEE WINSTON,

Respondent-Appellant,

and

PATRICK FINLEY, TROY JONES, MICHAEL
JUNO GARRETT, and CARL DOE,

Respondents.

UNPUBLISHED
December 17, 2002

No. 237374
Wayne Circuit Court
Family Division
LC No. 98-368036

Before: Owens, P.J., and Murphy and Cavanagh, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Although respondent-appellant challenges the trial court's determination that statutory grounds were established, the trial court accepted the stipulation of the parties that statutory grounds had been established and only took evidence regarding the best interests of the children. Therefore, the trial court did not clearly err in finding that statutory grounds for termination of respondent-appellant's parental rights were established by clear and convincing evidence. MCR 5.974(I); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Furthermore, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although respondent-appellant loved her children, she did not have the capacity or ability to care for all of them and her condition would not improve. The children were adoptable, and it was in their best

interests to have stability and permanency and not be relegated to life in foster care. Thus, the trial court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Donald S. Owens
/s/ William B. Murphy
/s/ Mark J. Cavanagh