

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of S.I.T., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

HERMAN BALDWIN,

Respondent-Appellant,

and

SHARON FAYE THERIOT,

Respondent.

UNPUBLISHED

December 27, 2002

No. 234072

Wayne Circuit Court

Family Division

LC No. 95-330813

Before: Griffin, P.J., and White and Murray, JJ.

PER CURIAM.

Respondent-appellant appeals as of right an order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

To terminate parental rights, the trial court must find that a least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). If a statutory ground for termination is established, 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); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). An appellate court reviews a trial court's decision to terminate parental rights under the clearly erroneous standard. MCR 5.974(I); *In re Cornet*, 422 Mich 274, 277; 373 NW2d 536 (1985). A finding is clearly erroneous if, although there is evidence to support it, this Court is left with the definite and firm conviction that a mistake had been made. *In re Miller*, 433 Mich 331, 337; 455 NW2d 161 (1989). The appellate court gives regard to the special ability of the trial court to judge the credibility of the witnesses before it. MCR 2.613(C); *Miller, supra* at 337.

In the present case, there was evidence that respondent would not have been able to provide proper care and custody for the child because he failed to fully comply with the parent-agency agreement. Respondent failed to complete parenting classes and failed to provide documentation that he had obtained a stable, legal source of income. His counseling for anger management was terminated by the therapist because respondent failed to address relevant issues.

After our review, we conclude that the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent's parental rights to the minor child.

Affirmed.

/s/ Richard Allen Griffin
/s/ Helene N. White
/s/ Christopher M. Murray