

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of AKLIAH MARSHAL and  
MYNYA ADEA TAWANA JEANETTE  
MARSHALL, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JADA LATRICE THOMPSON,

Respondent-Appellant.

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UNPUBLISHED  
September 27, 2007

No. 274736  
Oakland Circuit Court  
Family Division  
LC No. 04-697833-NA

Before: Schuette, P.J., and Hoekstra and Meter, JJ.

PER CURIAM.

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

The children were removed from respondent's care after respondent threatened her paternal aunt and grandmother with a handgun in the presence of the children. Respondent soon thereafter left Michigan and, after a brief time in Tennessee, settled near her mother in West Virginia. During the more than two-year period that followed, respondent failed to timely complete the requirements of the parent-agency agreement to which she agreed, or to visit or provide financial support for the children, who had been placed in the care of their paternal great grandparents, as promised. The trial court subsequently found that statutory grounds warranting termination of respondent's parental rights existed and that termination of such rights was within the best interests of the children. Respondent argues on appeal that while the trial court correctly found grounds for termination of her parental rights, it erred in determining that the best interests of the children were served by such termination. We disagree.

"Once a ground for termination is established, the court must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo Minors*, 462 Mich 341, 354; 612 NW2d 407 (2000); see also MCL 712A.19b(5). In this case, the trial court went beyond the statutory requirement by affirmatively finding that termination of respondent's parental rights was in the children's best interests. This Court reviews a trial court's best interests determination for clear err. MCR 3.977(J). A trial court's decision is clearly erroneous if, although there is evidence to support it,

the reviewing court is left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003); see also *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999) (“to be clearly erroneous, a decision must strike us as more than just maybe or probably wrong . . . .”) (citation and internal quotation marks omitted). Because we are not left with such a conviction, we affirm the trial court’s order terminating respondent’s parental rights.

The trial court’s decision was supported by clear and convincing evidence that respondent abandoned the children in this state and thereafter failed to visit or provide financial support for their care. While respondent acknowledged the wrongfulness of her having left the state at the outset of these proceedings, she failed to accept responsibility for the circumstances in which she found herself, choosing instead to blame others for her predicament and to minimize the seriousness of the assault perpetrated by her in the presence of her children. Moreover, while it is true that continued efforts to reunify the family were recommended following psychological evaluation, there was also evidence to support that, while the children love their mother, they felt rejected and abandoned by her and do not wish to be returned solely to her care, but rather, desire to continue living with their great grandparents in Michigan, with respondent living only either near or with them. Contrary to her assertion on appeal, however, respondent made clear that she would not return to this state, even if required to do so in order to get her children back.

On the basis of this evidence, the trial court did not clearly err in concluding that termination of respondent’s parental rights was within the best interests of the children. The testimony offered by respondent’s friends and family members, although favorable to her ability to properly parent her children, was simply insufficient to support a contrary conclusion. Indeed, much of the testimony offered by these witnesses pertained to respondent’s willingness and ability to provide proper care for the children prior to these proceedings. The trial court was not concerned, however, with respondent’s conduct and abilities before the children were removed from her care. Rather, it was respondent’s failure and apparent unwillingness to visit or to provide her children with emotional and financial support during the more than two-year period after they came into care on which the trial court relied in determining the best interests of the children. The trial court correctly found that the children needed a permanent, stable home, and that termination of parental rights was necessary to make such permanence and stability possible. See *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991) (finding that “permanent custody was in the best interest of the children because of the lengthy period of the temporary wardship”). The evidence clearly demonstrated that continuation of the temporary wardship would have placed the permanency needed by the minor children at risk. Although respondent ultimately completed many of the requirements of the parent-agency agreement, she wholly failed to do so within the time limitations set by the agreement, despite having been provided ample time and sufficient opportunity to do so. Accordingly, we do not conclude that the trial court erred in concluding that termination of respondent’s parental rights was in the best interests of the children.

Affirmed.

/s/ BillSchuette  
/s/ Joel P. Hoekstra  
/s/ Patrick M. Meter

