

Court of Appeals, State of Michigan

ORDER

In re Heuer/Franzel Minors (After Remand)

Docket No. 312594

LC No. 10-035416-NA

Michael J. Kelly
Presiding Judge

Christopher M. Murray

Mark T. Boonstra
Judges

In this appeal respondent appealed as of right the order terminating her parental rights to her four children, challenging only the trial court's best interests findings. We vacated the trial court's best interests findings because it did not explicitly consider the fact of relative placement as required by *In re Olive/Metts*, 297 Mich App 35; 823 NW2d 144 (2012). See *In re Heuer/Franzel*, unpublished opinion per curiam of the Court of Appeals, issued June 20, 2013 (Dkt. No. 312594). On remand the trial court held a hearing and issued a written opinion and order terminating respondent's parental rights, explicitly finding that termination was in the children's best interests even though they were placed with a relative.

"[W]hether termination of parental rights is in the best interests of the child must be proven by a preponderance of the evidence." *In re Moss*, __ Mich App __; __ NW2d __, slip op at 6. We review the trial court's decision regarding the best interests of the children for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). After review of the record, including the record of the proceedings held on remand, we hold that the trial court's decision was not clearly erroneous because we are not "left with the definite and firm conviction that a mistake has been made." *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence cited by the trial court in its initial decision and on remand more than adequately supported its ultimate findings and rationale. Accordingly, the trial court's final order terminating respondent's parental rights is affirmed.

Affirmed.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

AUG 30 2013

Date

A handwritten signature in dark ink, reading "Jerome W. Zimmer Jr.", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk