

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of NICHELLE DAZZIRAY SELVY,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARKEITA C. SELVY,

Respondent-Appellant.

UNPUBLISHED
December 12, 2000

No. 225760
Oakland Circuit Court
Family Division
LC No. 99-624908-NA

Before: Smolenski, P.J., and Holbrook, Jr., and Gage, JJ.

PER CURIAM.

Respondent mother appeals as of right from a family court order terminating her parental rights under MCL 712A.19b(b)(ii), (c)(i), (c)(ii), and (g); MSA 27.3178(598.19b)(b)(ii), (c)(i), (c)(ii), and (g). We affirm.

Once a trial court determines that one or more grounds for termination has been established by clear and convincing evidence, the trial court must terminate 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). We review the trial court’s findings under the clearly erroneous standard. *Id.* at 358. “A finding is clearly erroneous where the reviewing court is left with a firm and definite conviction that a mistake has been made.” *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993).

We conclude that the trial court did not err in ordering termination of respondent’s rights under section 19b(b)(ii). The record discloses that respondent repeatedly left her children in the care of her mother, whom the record shows had alcohol and substance abuse problems of which respondent was aware. Indeed, during a 1997 investigation of an allegation that the grandmother

was drunk when caring for respondent's children, the mother told an investigator that she "knew something like this was going to happen."¹

Tragically, respondent's youngest daughter was killed in a May 1999 house fire that was started when the children, left unsupervised by the grandmother, got a hold of a cigarette lighter. The grandmother was unable to render assistance to the deceased child because she was heavily intoxicated (a .18 blood alcohol level). Respondent left her three children with the grandmother at approximately 10:00 a.m. on the morning of the fire. The grandmother was noticeably intoxicated when respondent returned to her mother's home later that afternoon. Nonetheless, respondent again left her children in the grandmother's care. The fire broke out around 10:45 p.m. Respondent's daughter died two days later as a result of the injuries she sustained in the fire. Respondent argues that due to some problem with her prior arranged childcare, she had to leave her children with the grandmother on the day of the fire. However, the record establishes that the children's paternal grandfather had "begged" respondent to leave the children with him instead of the grandmother that day.

Upon careful review of this record, we are not left with a firm and definite conviction that the trial court mistakenly concluded that the child would likely suffer injury if left in respondent's care. *In re Trejo, supra* at 358. This ground for termination having been established by clear and convincing evidence, we need not address the remaining grounds cited by the trial court below. *Id.* at 360.

We also reject respondent's assertion that her due process rights were violated by the trial court's questioning of her at the dispositional hearing. No abuse of discretion is shown. MCR 5.923(A).

Affirmed.

/s/ Michael R. Smolenski
/s/ Donald E. Holbrook, Jr.
/s/ Hilda R. Gage

¹ The record concerning the 1997 incident indicates that it was not the grandmother who was intoxicated, but two other individuals, in whose care the children had been placed by the grandmother. However, this does not change the fact that respondent's response to news of the investigation evidenced not only a knowledge of her mother's substance abuse problem, but also that this problem could negatively impact respondent's children.