

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TAMARA JOHNSTON and
TARA JOHNSTON, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANGEL JOHNSTON,

Respondent-Appellant,

and

JOSE MERCEDO,

Respondent.

UNPUBLISHED

August 26, 2003

No. 246380

St. Clair Circuit Court

Family Division

LC No. 98-004020

Before: Markey, P.J., and Cavanagh and Saad, JJ.

MEMORANDUM.

Respondent Johnston appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(a)(ii), (g) and (m). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that at least one statutory ground for termination had been proved by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Respondent left her children with relatives and disappeared. The power of attorney authorizing the relatives to act in respondent's stead had expired more than six months earlier and respondent had not returned to see the children or claim custody of them. Further, the trial court's finding regarding the child's best interests was not clearly erroneous. *In re Trejo Minors*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5). Therefore, the trial court did not clearly err in terminating respondent's parental rights. *Trejo, supra* at 356-357.

Affirmed.

/s/ Jane E. Markey
/s/ Mark J. Cavanagh
/s/ Henry William Saad