

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of TARA LIEFFERS, Minor.

---

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SARAH ACKER,

Respondent-Appellant.

---

UNPUBLISHED

December 16, 2003

No. 249048

Newaygo Circuit Court

Family Division

LC No. 02-005326-NA

Before: Fitzgerald, P.J., and Neff and White, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (i).<sup>1</sup> We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The same trial court terminated respondent's parental rights to another child, Randy, Jr., one month after the birth of this child, Tara. Although given an opportunity to properly provide for Tara, respondent failed to participate in services designed to assist her in breaking her pattern of dependence and poor relationships. During the four-year course of prior child protective proceedings and this proceeding, respondent received referrals to many services but failed to become self-sufficient and able to provide proper care or custody for Tara. Respondent was unable to provide proper necessities for Tara, or a residence, for any length of time, even with assistance from various agencies, and allowed her residences to deteriorate into a nearly uninhabitable condition. Respondent continued her relationship with her abusive partner.

---

<sup>1</sup> While respondent additionally asserts that the trial court terminated her parental rights under MCL 712A.19b(3)(a)(ii), there is no indication that the trial court considered or relied upon that subsection. It is inapplicable in this case, because respondent pursued custody of the minor child throughout this proceeding.

Additionally, the evidence did not show that termination of respondent's parental rights was clearly not in Tara's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).<sup>2</sup> In this case, although respondent and Tara were presumably bonded, the evidence showed that respondent was unable to provide for Tara's basic needs and would not be able to do so within a reasonable time. The trial court did not err in determining that the evidence did not show that termination was clearly contrary to Tara's best interests.

Thus, the trial court did not err in terminating respondent's parental rights to the minor child.

Affirmed.

/s/ E. Thomas Fitzgerald  
/s/ Janet T. Neff  
/s/ Helene N. White

---

<sup>2</sup> We note that respondent states the wrong standard on appeal. The trial court does not have discretion in terminating parental rights once the statutory grounds are established but is mandated to terminate parental rights unless the evidence shows that termination is clearly against the child's best interests. *In re Trejo, supra* at 353.