

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of JERAMY BOWEN and GARY  
BROWN, Minors.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

UNPUBLISHED  
March 18, 2004

V

No. 249799  
Kent Circuit Court  
Family Division  
LC No. 01-073900-NA

CHERYL LAMB,  
  
Respondent-Appellant,

and

HOWARD BOWEN and JAMES LAMB,  
  
Respondents.

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Before: Griffin, P.J., and White and Donofrio, JJ.

PER CURIAM.

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

Respondent-appellant concedes on appeal that a statutory basis for termination was established by clear and convincing evidence in that her parental rights to two older children had previously been terminated. Therefore, the only issue before us is whether the evidence showed that termination of respondent-appellant's parental rights in the present case was clearly not in these two children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353; 612 NW2d 407 (2000).

The best interests determination affords the trial court an opportunity to find that the termination is clearly not in the children's best interests despite the establishment of statutory grounds supporting termination. *Trejo, supra*, 462 Mich 356. The trial court's findings of facts are clearly erroneous if, although some evidence exists to support the finding, this Court is left

with a firm and definite conviction that a mistake has been made. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *In re Conley*, 216 Mich App 41, 42-43; 549 NW2d 353 (1996). To be clearly erroneous, a decision must be more than maybe or probably wrong. *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999). In applying the clearly erroneous standard, regard must be given to the special opportunity of the trial court to assess the credibility of the witnesses who appeared before it. MCR 2.613(C); *Miller, supra*.

Our review of the record reveals that the evidence supports the trial court's finding. We conclude that the evidence did not establish that termination of respondent-appellant's parental rights was not in the children's best interests and, therefore, the trial court properly entered an order terminating her parental rights.

Respondent-appellant exhibited inadequate decision-making skills, particularly with regard to individuals with whom she associated. At the termination trial, respondent-appellant's case worker testified about concerns that respondent-appellant would not be able to protect her children from sexual abuse and that she could not consistently use parenting skills despite many parenting classes. Although she had extensive counseling and attended various programs, respondent-appellant had not internalized many of the concepts and her risk-assessment abilities had not evolved. Respondent-appellant's counselor also testified that she did not believe respondent-appellant was ready for the children at that time and that there was still a risk to the children if they were returned to respondent-appellant.

We recognize there was testimony that a bond existed between respondent-appellant and the children, who were thirteen and eight years old at the time of the termination trial. Also, there was testimony that respondent-appellant would not knowingly place the children at risk. However, the evidence indicated that respondent-appellant continued to make poor choices, could not meet the special needs of the children, and had not provided a safe, clean, stable, non-neglectful environment for the children and would not be able to do so in a reasonable time.

After reviewing the evidence, we are not left with a firm and definite conviction that the trial court clearly erred in failing to find that termination was not in the children's best interests. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *Trejo, supra*, 462 Mich 356.

Affirmed.

/s/ Richard Allen Griffin  
/s/ Helene N. White  
/s/ Pat M. Donofrio