

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALEXANDER LEE NEAL, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ASHLEY LYNN LOGAN,

Respondent-Appellant,

and

MONSONAE WASHINGTON,

Respondent.

UNPUBLISHED

September 28, 2004

No. 255477

Saginaw Circuit Court

Family Division

LC No. 02-028010-NA

Before: Borrello, P.J., and Murray and Fort Hood, JJ.

MEMORANDUM.

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

The trial court did not err reversibly in assuming jurisdiction over the child, in removing the child from his paternal grandparents' home, or in finding that reasonable efforts were made by FIA to prevent removal. MCL 712A.2(b)(1), (2); MCR 3.963(A), (B); *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993). These issues were not preserved for appellate review, because no objection was made below or appeal taken from the trial court orders. MCR 3.993(A)(1). Here, the child was found sleeping on a mattress with a loaded gun underneath. Drug distribution paraphernalia were found in the home, which was frequented by many people and may have been the scene of drug transactions. The paternal grandparents were not willing to refuse access to their home to their children and children's friends. We agree with the trial court that the unsafe atmosphere remained after the child was removed.

Respondent-appellant also claims that the trial court erred in terminating her parental rights because termination was not shown to be in the child's best interests. We disagree. Once a statutory ground for termination is proven by clear and convincing evidence, the trial court

must terminate parental rights unless it finds from the whole record that termination would be clearly contrary to the child's best interests. MCL 712A.19b(5); MCR 3.977(J); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). We find no clear error in the trial court's decision on the best interests question. While some evidence was presented supporting a temporary guardianship with the maternal grandmother, the court's emphasis on permanence and stability for the young child was in accord with the legislative intent. See *Trejo, supra* at 363-365. The maternal grandmother was not available to care for the minor child when respondent-appellant was arrested during the pendency of the case. Respondent-appellant was later jailed on a one-year sentence and placed on probation for five years after pleading guilty to stealing a retail device contrary to MCL 750.157, and habitual offender fourth offense, in violation of MCL 769.12. Respondent-appellant's past behavior was the best predictor of her future actions. We cannot fault the trial court for being skeptical of her assertion that she had "learned her lesson" and would lead a stable lifestyle and abstain from criminal activity for her child's sake.

Affirmed.

/s/ Stephen L. Borrello
/s/ Christopher M. Murray
/s/ Karen M. Fort Hood