

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of OLIVIA POSTELL, Minor.

---

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

IDETTE MALONE,

Respondent-Appellant,

and

DANIEL MALONE,

Respondent.

---

UNPUBLISHED

May 2, 2006

No. 264743

Calhoun Circuit Court

Family Division

LC No. 2003-003233-NA

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

MEMORANDUM.

Respondent Idette Malone appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii), (g), and (j). We affirm.

The crux of respondent's argument is that the trial court erred in accepting the allegedly contradictory testimony of the foster care worker in support of its decision. However, this Court must give "special deference to the trial court's findings when they are based on its assessment of the witnesses' credibility." *H J Tucker & Assoc, Inc v Allied Chucker & Engineering Co*, 234 Mich App 550, 563; 595 NW2d 176 (1999). Viewing the trial court's findings in light of the evidence presented to it, the trial court did not clearly err in finding that the statutory grounds for termination were proved by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Further, the trial court's finding regarding the child's best interests was not clearly erroneous. *In re Trejo*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5). Therefore, the trial court did not err in terminating respondent's parental rights to the child. *In re Trejo, supra* at 356-357.

Affirmed.

/s/ Helene N. White  
/s/ E. Thomas Fitzgerald  
/s/ Michael J. Talbot