

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of L.T.M. and D.D.E., JR., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LENICIA TANYA MITCHELL,

Respondent-Appellant,

and

DWAYNE DEMETRIC ETTER, SR., a/k/a
JAMES LEWIS,

Respondent.

UNPUBLISHED

October 2, 2001

No. 230677

Wayne Circuit Court

Family Division

LC No. 98-370454

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

MEMORANDUM.

Respondent-appellant appeals as of right from the July 14, 2000 family court order, terminating her parental rights to the minor children L.T.M. and D.D.E., Jr., pursuant to MCL 712A.19b(3)(b)(i), (c)(i), (g), (j) and (k)(ii). We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E).

The family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I), *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Petitioner-appellee established that respondent-appellant sexually abused her children, that at least two of the incidents of abuse involved criminal sexual conduct with penetration, that she failed to avail herself of therapy to address her sexual misconduct, and that she failed to obtain suitable housing. Respondent-appellant contends that the trial court erred in accepting Maxine Grant's tender years testimony as true. However, this Court recognizes that the trial court is in the best position to weigh evidence and evaluate a witness' credibility. *Fletcher v Fletcher (After Remand)*, 229 Mich App 19, 28; 581 NW2d 11 (1998).

Further, because at least one ground for termination was established, the court was required to terminate respondent-appellant's parental rights unless the court found that termination was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 364-365; 612 NW2d 407 (2000). The court's finding regarding the child's best interests was not clearly erroneous. *Trejo, supra*.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Jane E. Markey

/s/ Jessica R. Cooper