

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KAHLEB THORSSON SENIA-
WICKS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

AMY SENIA,

Respondent-Appellant.

UNPUBLISHED

August 2, 2005

No. 260278

Houghton Circuit Court

Family Division

LC No. 02-000019-NA

Before: Zahra, P.J., and Gage and Murray, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating her parental rights to her minor child pursuant to MCL 712A.19b(3)(c)(ii). We affirm.

On appeal, respondent does not challenge the trial court's finding that the statutory ground for termination had been established by clear and convincing evidence but argues only that termination of her parental rights was not in the minor child's best interests. We review for clear error the trial court's best interests determination. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Once the trial court determined that petitioner established the existence of one or more statutory grounds for termination by clear and convincing evidence, the court was required to terminate respondent's parental rights unless it also determined that to do so was clearly not in the child's best interests. *Id.* at 353-354; MCL 712A.19b(5).

The court did not clearly err with regard to the best interests analysis. At the time of the termination trial, the minor child was four years old. He had consistently lived with his grandmother for a year and a half at that point in time and had lived with her for a period of time in the preceding year after he became a ward of the court. The evidence was clear and convincing that the minor child and his grandmother had a close bond, that she wanted to adopt him, and that she would do everything possible to keep him safe. The evidence was also clear and convincing that the behavioral problems that the minor child experienced previously had been addressed appropriately, that the minor child was no longer banging his head and acting in an aggressive manner, and that he was social, verbal and happy. While respondent proclaimed that she loved the minor child and wanted him to be safe, she refused to come back to Michigan, face the consequences of her probation violation, and comply with the terms of the parent agency

agreement. The court did not clearly err when it found that respondent was not committed to providing proper parenting to the minor child and that there was no evidence presented from which the court could conclude that it was not in the best interests of the minor child to terminate respondent's parental rights.

Affirmed.

/s/ Brian K. Zahra

/s/ Hilda R. Gage

/s/ Christopher M. Murray