

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AIRENNA TISHANI BALLARD,
Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
February 23, 2006

Petitioner-Appellee,

v

SHERRY ANN BALLARD,

Respondent-Appellant.

No. 264551
Jackson Circuit Court
Family Division
LC No. 99-094319-NA

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

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to her child pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).¹

We review a trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). A finding qualifies as clearly erroneous when a review of the entire record leaves this Court with the firm and definite conviction that the trial court made a mistake. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003). To be clearly erroneous, a decision must be more than maybe or probably wrong. *Sours*, *supra* at 633. If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate the respondent's parental rights unless it finds from the record evidence that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's determination regarding the child's best interests for clear error. *Id.* at 356-357.

¹ The trial court's order also terminated the parental rights of non-participating respondent Erick Hall, the child's putative father. That portion of the trial court's order is not at issue in this appeal.

Respondent concedes that the trial court did not clearly err by finding that petitioner proved by clear and convincing evidence the existence of one or more statutory grounds for the termination of her parental rights, but argues that termination of her rights was not in the child's best interests. We disagree.

Respondent asserted that she wanted to maintain sobriety and raise her child; however, she continued her pattern of seeking treatment for her longstanding addiction to cocaine, but then relapsing into drug use. The trial court's finding that the child's life had lacked stability and would continue to do so if she remained in respondent's custody was not clearly erroneous. The trial court properly concluded that termination of respondent's parental rights would not clearly contravene the child's best interests. MCL 712A.19b(5).

Affirmed.

/s/ Jessica R. Cooper

/s/ Kathleen Jansen

/s/ Jane E. Markey