

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of BRITTANY BRIANA  
BROMERY and BRANDON ALLAN  
BROMERY, Minors.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

UNPUBLISHED  
February 15, 2005

and

BRITTANY BRIANA BROMERY and  
BRANDON ALLAN BROMERY,

Appellants,

v

ROYCE A. BROMERY,

Respondent.

No. 256681  
Oakland Circuit Court  
Family Division  
LC No. 04-689782-NA

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Before: Murray, P.J., and Meter and Owens, JJ.

PER CURIAM.

The minor children appeal as of right from the trial court's order terminating the parental rights of respondent, their father, under MCL 712A.19b(3)(a)(ii) ("[t]he child's parent has deserted the child for 91 or more days and has not sought custody of the child during that period"). We affirm.

MCL 712A.19b(5) states:

If the court finds that there are grounds for termination of parental rights, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made, unless the court finds that termination of parental rights to the child is clearly not in the child's best interests.

We review for clear error a trial court's determination that a statutory basis for termination has been established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 356-357; 612

NW2d 407 (2000). We also review the court's best interests determination for clear error. *Id.* A finding of fact is clearly erroneous if it leaves us with a definite and firm conviction that a mistake has been made. *In re Terry*, 240 Mich App 14, 22; 610 NW2d 563 (2000).

No clear error occurred in this case. Indeed, a basis for termination was clearly and convincingly established under MCL 712A.19b(3)(a)(ii). Respondent had gone eight years without contacting the children or supporting them financially. Accordingly, the trial court was obligated to terminate respondent's parental rights unless it found that termination of his parental rights was clearly not in the children's best interests. MCL 712A.19b(5).

The trial determined that "the best interest[s] of these children would be served by terminating [respondent's] parental rights[.]" We discern no clear error with regard to this conclusion. As noted, respondent went eight years without contacting the children or giving them any support. After the initiation of these proceedings, respondent's whereabouts were determined, and the foster care worker was able to contact him. However, he failed to appear for a psychological examination in connection with these proceedings and failed to make any further contacts with the caseworker. Under these circumstances, we are not left with a definite and firm conviction that a mistake occurred with respect to the trial court's best interests determination. *Terry, supra* at 22. While it is true that the children do not want respondent's parental rights to be terminated, the trial court did not clearly err in determining that it was not in their best interests to remain the legal children of a man who had utterly abandoned them and failed to take sufficient steps (such as the completion of a psychological examination) to retain his parental rights after the initiation of these proceedings.

Affirmed.

/s/ Christopher M. Murray  
/s/ Patrick M. Meter  
/s/ Donald S. Owens