

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED  
April 16, 2013

In the Matter of DELIS, Minors.

No. 311498  
Muskegon Circuit Court  
Family Division  
LC No. 11-040694-NA

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Before: FITZGERALD, P.J., and O'CONNELL and SHAPIRO, JJ.

PER CURIAM.

Respondent mother appeals as of right the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

As an initial matter, respondent mother argues that her conditional plea to the allegations within the petition to terminate her parental rights should not have been entered by the trial court in regard to her oldest child. We previously remanded to the trial court for resolution of that issue. On remand, the trial court entered a stipulation of the parties recognizing that respondent mother's parental rights in regard to her oldest child were erroneously terminated. The court ordered reinstatement of respondent mother's parental rights to her oldest child. On January 11, 2013, this Court entered an order dismissing respondent mother's claim of appeal in regard to her oldest child. *In re Delis Minors*, unpublished order of the Court of Appeals, entered January 11, 2013 (Docket No. 311498). Because respondent mother's parental rights to her oldest child were reinstated by the trial court, her first issue on appeal is moot. *B P 7 v Bureau of State Lottery*, 231 Mich App 356, 359; 586 NW2d 117 (1998).

Respondent mother also argues that the trial court erred in finding that termination of her parental rights was in the best interests of her three youngest children. After a trial court has established a statutory ground for termination by clear and convincing evidence, the trial court should order termination of parental rights if termination is in the best interests of the child. MCL 712A.19b(5); *In re Beck*, 488 Mich 6, 11; 793 NW2d 562 (2010). A trial court's findings regarding the children's best interests are generally reviewed under the clearly erroneous standard. MCR 3.977(K); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). A finding is clearly erroneous if the reviewing court is left with a definite and firm conviction that a mistake has been made. *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010).

Testimony presented at the March 2012 termination hearing revealed that respondent mother had failed to fully comply with counseling services provided to her, that she had failed to comply fully with the substance abuse treatment offered to her, and that she had failed to attend

two of her parenting times and was late to many others. In addition, respondent mother's behavior was erratic during her parenting visits, with respondent mother failing to direct her children. Also, respondent mother had tested positive for marijuana and cocaine in February 2012. More importantly, there was testimony that not terminating respondent mother's parental rights would harm the minor children because the children would be deprived of a stable, permanent placement. A trial court may consider a child's need for permanence in determining the child's best interests. *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991). Accordingly, the trial court did not clearly err in finding that termination of respondent mother's parental rights was in the minor children's best interests. MCR 3.977(K); *Trejo Minors*, 462 Mich at 356-357.

Affirmed.

/s/ E. Thomas Fitzgerald  
/s/ Peter D. O'Connell  
/s/ Douglas B. Shapiro