

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TIMOTHY AARON SANDERS and
TIMEISHA SANDERS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LENYORSITA SANDERS and TIMOTHY
SANDERS,

Respondents-Appellants.

UNPUBLISHED

May 29, 1998

Nos. 200797 & 204671

Muskegon Juvenile Court

LC No. 93-018964 NA

Before: Hood, P.J., and Markman and Talbot, JJ.

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right the orders of the juvenile court terminating their parental rights to the minor children. In Docket No. 200797, respondent Lenyorsita Sanders' parental rights were terminated pursuant to MCL 712A.19b(3)(h); MSA 27.3178(598.19b)(3)(h). In Docket No. 204671, respondent Timothy Sanders' parental rights were terminated pursuant to MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g). We affirm.

In an appeal from an order terminating parental rights, this Court reviews the lower court's factual findings for clear error. MCR 5.974(I); *In re Miller*, 433 Mich 331,337; 445 NW2d 161 (1989). A finding is clearly erroneous if, although there is evidence to support the finding, the Court is left with a definite and firm conviction that a mistake was made. MCR 5.974(I); *Miller, supra* at 337. Once the probate court finds at least one statutory ground for termination by clear and convincing evidence, the court must order termination of parental rights, unless the court finds that termination is clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19B)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). The burden of coming forward with evidence that termination is clearly not in the child's best interest is on the respondent. *Hall-Smith, supra* at 473.

On appeal, each respondent argues that the evidence presented below did not support the juvenile court's decision to terminate their parental rights. We disagree. In this case, the respondent mother, on June 4, 1996, entered a plea of no contest to a first-degree child abuse, MCL 750.136; MSA 28.331, for causing injuries resulting in the death of her oldest daughter, Timerria. Timerria's injuries included "Shaken Baby Syndrome" and eight fractured bones. On July 3, 1996, the respondent-mother was sentenced to four and one half to fifteen years' imprisonment for the first-degree child abuse conviction. After reviewing the records, we conclude that the juvenile court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence as to each respondent. We further conclude that the juvenile court did not clearly err in finding that it was in the best interests of the children for the parental rights of each respondent to be terminated. Therefore, we hold that the juvenile court did not err in terminating respondents' parental rights.

Affirmed.

/s/ Harold Hood

/s/ Stephen J. Markman

/s/ Michael J. Talbot