

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.R.A. and Y.M.A., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CORDIAH DEVON HUNTER,

Respondent,

and

GARY ARNESS ANDERSON,

Respondent-Appellant.

UNPUBLISHED

July 12, 2002

No. 234404

Wayne Circuit Court

Family Division

LC No. 96-336887

Before: Hood, P.J., and Saad and E. M. Thomas*, JJ.

MEMORANDUM.

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

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). 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 parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL

¹ The trial court's order also terminated the parental rights of respondent Cordiah Devon Hunter, the children's mother. Hunter has not appealed the order.

* Circuit judge, sitting on the Court of Appeals by assignment.

712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

We hold that the trial court did not clearly err in finding that petitioner established a statutory ground for termination of respondent's parental rights. The undisputed evidence showed that respondent's parental rights to another child were terminated in part due to his failure to provide proper care or custody. Evidence of how a parent treats one child is probative of how he might treat another child. *In re Schmeltzer*, 175 Mich App 666, 678; 438 NW2d 866 (1989). The trial court properly took judicial notice of the contents of the file relating to the termination of respondent's parental rights to the other child. The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the ground that his parental rights to another child had been terminated and prior attempts at rehabilitation were unsuccessful, MCL 712A.19b(3)(i). The evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCR 5.974(I); *Trejo*, *supra*.

Affirmed.

/s/ Harold Hood
/s/ Henry William Saad
s/ Edward M. Thomas