

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of D.C.T, R.P., and C.B., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PEARL DENISE BUTLER,

Respondent-Appellant,

and

HERMAN LEE THOMAS, DELION REDMOND,
and CHARLES BROWN, SR.,

Respondents.

UNPUBLISHED

October 22, 2002

No. 236078

Wayne Circuit Court

Family Division

LC No. 95-334795

Before: Hoekstra, P.J., and Wilder and Zahra, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to her child R.P. pursuant to MCL 712A.19b(3)(b)(i), (b)(ii), (g), (j), and (k)(iii).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 did not terminate respondent's parental rights to her children D.C.T. and C.B. The trial court did not terminate the parental rights of respondents Herman Lee Thomas, Delion Redmond, and Charles Brown, Sr., the fathers of D.C.T., R.P., and C.B., respectively. The children were placed with their fathers.

712A.19b(5); *In re Trejo Minors*, 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 the trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights to R.P. Respondent admitted that she beat the child with a belt and that she did not seek medical attention for the resulting injuries. Respondent also admitted that she beat the child on previous occasions. The undisputed evidence showed that respondent had a history of inflicting physical abuse on her children. At the time of the permanent custody hearing respondent was unemployed, did not have a home of her own, and was a regular user of marijuana.

The trial court did not clearly err in finding that termination of respondent's parental rights to R.P. was warranted on the grounds that respondent physically abused the child and failed to prevent such abuse, MCL 712A.19b(3)(b)(i) and (b)(ii), that respondent failed to provide proper care or custody and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), that it was reasonably likely that the child would be harmed if returned to respondent's care, MCL 712A.19b(3)(j), and that respondent inflicted severe physical abuse on the child, MCL 712A.19b(3)(k)(iii). The evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *Trejo, supra*.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Kurtis T. Wilder
/s/ Brian K. Zahra