

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.H., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LARRY HAGGERTY,

Respondent-Appellant,

and

SUSAN ELKINS,

Respondent.

UNPUBLISHED

December 13, 2002

No. 241749

Kent Circuit Court

Family Division

LC No. 97-000348-NA

Before: Owens, P.J., and Murphy and Cavanagh, JJ.

MEMORANDUM.

Respondent Larry Haggerty appeals as of right the order terminating his parental rights to the minor child.¹ We affirm.

Under MCL 712A.19b(3), the petitioner for the termination of parental rights bears the burden of proving at least one ground for termination. *In re Trejo Minors*, 462 Mich 341, 350; 617 NW2d 407 (2000). Once the petitioner has presented clear and convincing evidence that a ground for termination is established, termination of parental rights is mandatory unless the court finds that termination is clearly not in the child's best interests. *Id.* at 355-356. Decisions terminating parental rights are reviewed for clear error. *Id.* at 356.

MCL 712A.19b(3)(g) provides for termination when the parent fails to provide proper care and custody, and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age. MCL

¹ Susan Elkins voluntarily relinquished her parental rights, and has not appealed.

712A.19b(3)(j) provides for termination when there is a reasonable likelihood, based on the conduct of the parent, that the child would be harmed if returned to the home of the parent. MCL 712A.19b(3)(k)(iii) provides for termination when the parent committed battering, torturing, or severe physical abuse of a sibling.

Here, there is clear and convincing evidence supporting the termination of respondent's parental rights. While there is little evidence regarding respondent's ability to provide proper care and custody, it is clear that he abused A.H.'s sibling, and there is a reasonable likelihood that A.H. will be harmed if returned to respondent's home. Respondent repeatedly beat a small child with a belt, burned her by pouring hot liquid on her, and then put alcohol and peroxide on the burn. Respondent was convicted of third-degree child abuse. There is no evidence that termination would not be in the best interests of the child.

Affirmed.

/s/ Donald S. Owens
/s/ William B. Murphy
/s/ Mark J. Cavanagh