

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of L.S., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BENJAMIN SHOFFNER,

Respondent-Appellant,

and

MEMORY SHOFFNER,

Respondent-Not Participating.

UNPUBLISHED

April 13, 2004

No. 251640

Montcalm Circuit Court

Family Division

LC No. 2003-000117-NA

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

MEMORANDUM.

Respondent Benjamin Shoffner appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(iii). We affirm.

The trial court did not clearly err in finding that at least one statutory ground for termination had been proved by clear and convincing evidence. See *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Respondent caused severe, life-threatening injuries to the child's sibling and the mother was unlikely to be able to protect the children from further harm.

Although the court did not expressly identify the statutory basis for its ruling, it is clear from its statements that it was relying on the petition and the Protective Services Investigation Summary, which it indicated provided a sufficient factual basis to meet the burden of proof necessary for termination. The court's findings were thus sufficient. See *In re Conley*, 216 Mich App 41, 44; 549 NW2d 353 (1996); *Triple E Produce Corp v Mastronardi Produce, Ltd*, 209 Mich App 165, 176; 530 NW2d 772 (1995).

The court was not required to find that termination was in the child's best interests. *In re Trejo Minors*, 462 Mich 341, 357, 364 n 19; 612 NW2d 407 (2000). If at least one statutory

ground for termination has been proved, the court is required to order termination unless it finds that termination is clearly not in the child's best interests. MCL 712A.19b(5). There was nothing in the record to indicate that termination was contrary to the child's best interest. Therefore, the trial court did not clearly err in terminating respondent's parental rights. See *Trejo, supra* at 356-357.

Affirmed.

/s/ Mark J. Cavanagh

/s/ William B. Murphy

/s/ Michael R. Smolenski