

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TOMIRO CRAWLEY, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

VINCENT CRAWLEY,

Respondent-Appellant,

and

TRACY MICHELLE SWAN,

Respondent.

UNPUBLISHED

April 27, 2004

No. 250797

Wayne Circuit Court

Family Division

LC No. 93-307199

In the Matter of TOMIRO HAKEEM CRAWLEY,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TRACY MICHELLE SWAN,

Respondent-Appellant,

and

VINCENT CRAWLEY,

Respondent.

No. 250840

Wayne Circuit Court

Family Division

LC No. 93-307199

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

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court order terminating their parental rights to the minor child under MCL 712A.19b(3)(g), (i), (j) and (l). We affirm.

In order to terminate parental rights, the court must find that at least one of the statutory grounds set forth in MCL 712A.19b has been met by clear and convincing evidence. *In re Terry*, 240 Mich App 14, 21-22; 610 NW2d 563 (2000). Once a ground for termination is established, the court must order termination of parental rights unless there is clear evidence, on the whole record, that termination is not in the child's best interests. *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). A decision terminating parental rights is reviewed for clear error. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

The trial court did not clearly err by finding that at least one statutory ground for termination was established by clear and convincing evidence with respect to both respondents. The record reveals that the parental rights of both respondents to other children were previously terminated. Thus, the grounds for termination under statutory subsection (l) were incontrovertibly established for both respondents.

With respect to respondent mother, termination under MCL 712A.19b(3)(i) was also warranted because there was clear and convincing evidence that she permitted shocking abuse of her older children at the hands of a former partner. And despite receiving services directed toward rehabilitation, respondent mother subsequently became involved with another man who was abusive to her and ultimately murdered their seven-month-old infant. This evidence clearly demonstrates that respondent mother has not been rehabilitated so as to enable her to adequately protect the minor child. MCL 712A.19b(3)(i). The same evidence clearly establishes a reasonable likelihood that the minor child would be harmed if returned to respondent mother, and termination under MCL 712A.19b(3)(j) was, therefore, also warranted.

The evidence was insufficient, however, to establish the grounds set forth in MCL 712A.19b(3)(g) with respect to either respondent. When the child was taken from respondents at the age of approximately two weeks, there was no evidence that he was improperly cared for and none was adduced at trial. Moreover, on the scanty record supplied on appeal, we are unable to determine the grounds for the prior termination of respondent father's parental rights and what rehabilitative efforts were undertaken. Therefore, we do not rely on the grounds set forth in MCL 712A.19b(3)(i) and (j) for the affirmance of the trial court's decision with respect to respondent father. However, termination of parental rights need only be supported by one statutory ground, *In re SD*, 236 Mich App 240, 247; 599 NW2d 772 (1999), and termination was clearly justified under statutory subsection MCL 712A.19b(3)(l) with respect to both respondents.

Furthermore, the trial court did not clearly err by finding that termination of the parental rights of both respondents was not clearly contrary to the best interests of the child. MCL 712A.19b(5). There was no evidence of a bond between the child and respondents. Respondent mother's repeated failure to protect her other children from severe abuse amply justified the trial court finding that termination of her parental rights was not clearly contrary to the best interests of the child. With respect to respondent father, the evidence indicates a history of domestic

violence, criminal activity, and ongoing marijuana use. Significantly, his desire to evade warrants relating to criminal activity outweighed his desire to appear and participate in the previous termination trial relating to his two other children with respondent mother. Although respondent father undertook parenting and anger management classes after the birth of the minor child and showed an interest in his welfare by calling the worker regularly to inquire about him, the record as a whole does not indicate that termination of his parental rights was clearly contrary to the best interests of the child.

Affirmed.

/s/ Mark J. Cavanagh

/s/ William B. Murphy

/s/ Michael R. Smolenski