

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALLANTE MARTICE LAMB
and MARCUS MARTEZ LAMB, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JULIA VICTORIA LAMB, f/k/a JULIA
VICTORIA MCNIGHT,

Respondent-Appellant.

UNPUBLISHED

August 24, 2004

No. 250465

Wayne Circuit Court

Family Division

LC No. 02-409594

Before: Hoekstra, P.J., and Cooper and Kelly, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(i), (b)(ii), (g), (j) and (k)(iii). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The petitioner must establish a statutory ground for termination under MCL 712A.19b(3) by clear and convincing evidence. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Once a court finds that a statutory ground for termination has been established, it must terminate the respondent's parental rights unless it finds that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 364-365. This Court reviews decisions terminating parental rights for clear error. *Id.* at 356. A decision is clearly erroneous if, although there is evidence to support it, the reviewing court on the entire record is left with the definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

The evidence showed that respondent failed to protect her children from ongoing physical abuse and sexual abuse by the children's father. Additionally, the evidence that respondent physically abused her nieces was probative of how she would treat her own children. *In re AH*, 245 Mich App 77, 84; 627 NW2d 33, (2001); *In re Powers*, 208 Mich App 582, 588-589; 528 NW2d 799 (1995); *In re Jackson*, 199 Mich App 22, 26; 501 NW2d 182 (1993). Thus, the trial court did not clearly err in finding that subsections 19b(3)(b)(i), (b)(ii), (j) and (k)(iii) were each established by clear and convincing evidence. Further, the evidence failed to show that termination of respondent's parental rights was clearly not in the children's best interests. MCL

712A.19b(5); *In re Trejo, supra*. Thus, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Jessica R. Cooper
/s/ Kirsten Frank Kelly