

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SKYE MCNAMEE, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JUSTIN MCNAMEE,

Respondent-Appellant.

UNPUBLISHED

April 14, 2005

No. 257324

Muskegon Circuit Court

Family Division

LC No. 03-031708-NA

Before: Kelly, P.J., and Sawyer and Wilder, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(b)(i) and (c)(i). We affirm.

Respondent does not argue on appeal that the statutory grounds for termination were not established by clear and convincing evidence, challenging only the trial court's determination regarding the minor child's best interests. The trial court did not clearly err when it found that it was in the best interests of the minor child to terminate respondent's parental rights. The court's finding was based on and supported by evidence from the entire record. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353; 612 NW2d 407 (2000). The psychologist reported that respondent did not accept responsibility for his problem behavior, has significant problems with anger management, demonstrated the capacity for deception in order to avoid punishment for wrongdoing, needs treatment for anger management, and still continues to present a risk of harm to the minor child. His prognosis was poor. The FIA representative testified that the injury to the minor child occurred because of respondent's problems controlling his anger and opined that respondent continues to pose a risk to the minor child. In addition, respondent's witnesses from Hackley Hospital's Maternal and Infant Support Program agreed that the injury received by the minor child was not the kind one would expect from someone who knows how to handle a child appropriately. Accordingly, the trial court did not err in terminating respondent's parental rights to the child.

We further find no merit to respondent's argument that the order of termination violates MCL 712A.19b(5). The statute does not require that the trial court's best interests finding be included in the order of termination.

Affirmed.

/s/ Kirsten Frank Kelly
/s/ David H. Sawyer
/s/ Kurtis T. Wilder