

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SZANTO KADO-DESHAWN
BROWN, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LINDA NICKSON,

Respondent-Appellant,

and

KENNETH BROWN,

Respondent.

UNPUBLISHED

January 29, 2008

No. 277791

Oakland Circuit Court

Family Division

LC No. 06-727652-NA

Before: Beckering, P.J., and Sawyer and Fort Hood, JJ.

PER CURIAM.

Respondent Linda Nickson appeals as of right from an order terminating her parental rights to her minor child pursuant to MCL 712A.19b(3)(b)(i), (b)(ii), (g), and (j). We affirm.

The trial court did not clearly err in determining that petitioner established the statutory grounds for termination by clear and convincing evidence or in finding that termination of respondent's parental rights was not contrary to the best interests of the child. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

The trial court did not err with respect to MCL 712A.19b(3)(b)(i) and (b)(ii). Respondent admitted to "whooping" the minor child with a belt on two different occasions, once with his clothes on and once with his clothes off, because he lied to her. She admitted that the beatings caused marks and bruises on his legs, which were evident weeks later when Child Protective Services workers observed the child. Respondent also admitted to bringing a man into her home to care for the minor child three days after meeting the man in a parking lot. Even after the minor child told her of abuse that was occurring, respondent chose to believe her boyfriend rather than the minor child. When she observed bruises on the minor child, she still took no

action for a period of time. She refused to cooperate with petitioner and initially denied that her boyfriend had abused the minor child.

The trial court also did not clearly err with respect to MCL 712A.19b(3)(g) and (j). Respondent did not provide proper care or custody of the minor child. She was not available for most of the child's life and allowed relatives to care him. She did not provide adequate support for the minor child. Respondent testified that she received lump sum child support payments of \$16,825 and monthly payments from the child's father while the child was living with respondent's mother. Respondent did not use those monies for the minor child but instead used them for her own expenses. When the minor child was in respondent's care, he was subjected to abuse by respondent and others she allowed in her home.

Respondent argues that the trial court's decision was not based on legally admissible evidence, as is required when termination occurs at the initial disposition. Under MCR 3.977(E)(3), the court must find, on the basis of clear and convincing legally admissible evidence, that one or more facts in the petition were true in order to establish a statutory ground for termination at the initial disposition. In this case, the petition requested that the court terminate respondent's parental rights on initial disposition based on allegations of physical abuse, failure to protect, abandonment, and neglect. Respondent specifically challenges evidence regarding the guardianship obtained by respondent's mother during 2004 and 2005, the amount of time that respondent spent with the minor child, and child support money respondent received on behalf of the minor child. However, the child's grandmother testified regarding her guardianship of the child and the amount of time the child was in her care, including time before the guardianship was established and after it was terminated. Respondent testified regarding the amount of time that she spent with the child, the amount of child support she received, and how she spent the child support money. Contrary to respondent's argument, this evidence was legally admissible and relevant to respondent's neglect of the child and her inability or unwillingness to care for the child. The trial court did not clearly err when it terminated respondent's parental rights based on the evidence presented at trial.

Furthermore, the trial court did not err in its best interests determination. MCL 712A.19b(5). No evidence presented established that the child's best interests precluded termination of respondent's parental rights. Respondent blamed everyone else for her problems and had done nothing to better herself. There did not appear to be any bond between respondent and the minor child. The minor child deserved the opportunity for safety and stability.

Affirmed.

/s/ Jane M. Beckering
/s/ David H. Sawyer
/s/ Karen M. Fort Hood