

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRANDON WILLIAM
LOSSING-MEXICO, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

PATRICIA LOSSING-MEXICO,

Respondent-Appellant,

and

EDWARD LAWRENCE MEXICO, JR.,

Respondent.

In the Matter of BRANDON WILLIAM
LOSSING-MEXICO, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

EDWARD LAWRENCE MEXICO, JR.,

Respondent-Appellant,

and

PATRICIA LOSSING-MEXICO,

Respondent.

UNPUBLISHED
October 22, 2009

No. 291791
Macomb Circuit Court
Family Division
LC No. 2008-000646-NA

No. 291822
Macomb Circuit Court
Family Division
LC No. 2008-000646-NA

Before: Murphy, P.J., and Meter and Beckering, JJ.

MEMORANDUM.

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

Respondents do not challenge the trial court's determination that § 19b(3)(l) was proven by clear and convincing legally admissible evidence. MCR 3.977(E); *In re Utrera*, 281 Mich App 1, 16-17; 761 NW2d 253 (2008). Instead, they argue that the trial court erred in its analysis of the child's best interests. "If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights" MCL 712A.19b(5). The trial court's decision regarding the child's best interests is reviewed for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Respondents' circumstances had not changed significantly since the prior termination order was entered in January 2008. Respondent Lossing-Mexico had no source of income or stable housing, and she was living with a violent partner whose violence she refused to acknowledge. Additionally, there was insufficient evidence that she had actually taken action to return to school to become more employable after the child's removal. Respondent Mexico also lacked stable housing; had an unresolved "anger issue," which had led him to criminally abuse the child's half-sibling; and had intentionally abandoned another half-sibling of the child. Respondent Mexico did not articulate anything meaningful when asked what he had learned from domestic-violence classes. We note that, in child protective proceedings, a parent's treatment of a child's siblings is probative of how he or she is likely to treat the child at issue. *In re Jackson*, 199 Mich App 22, 26; 501 NW2d 182 (1993). The trial court did not clearly err in finding that termination of respondents' parental rights was in the child's best interests and that the child deserved more stability than respondents were likely to provide.¹

¹ We note that the trial court was simply not required to resolve this issue strictly with regard to the best-interests factors applicable to child-custody proceedings. See *In re JS & SM*, 231 Mich App 92, 101-103; 585 NW2d 326 (1998), overruled in part on other grounds by *In re Trejo*, *supra* at 353-354. Contrary to respondent Lossing-Mexico's assertion, this holding has not been "overruled" by MCL 722.1102(d). That statute defines the phrase "child-custody proceeding" to include a proceeding to terminate parental rights. However, that definition is limited to the phrase "child-custody proceeding" as used in the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), MCL 722.1101 *et seq.* MCL 722.1102. This child protective proceeding did not involve whether the trial court or another court had jurisdiction to make a child-custody determination under Article 2 of the UCCJEA, MCL 722.1201 *et seq.* The trial court in this case *did* use the child-custody factors in making its best-interests determination, and we find no clear error with regard to its ultimate disposition.

Affirmed.

/s/ William B. Murphy

/s/ Patrick M. Meter

/s/ Jane M. Beckering