

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

July 13, 2010

In the Matter of S. R. COFIELD, Minor.

No. 294209

Branch Circuit Court

Family Division

LC No. 09-004116-NA

Before: TALBOT, P.J., and FITZGERALD and DAVIS, JJ.

PER CURIAM.

Respondent appeals as of right the order terminating her parental rights to her minor child under MCL 712A.19b(3)(b)(ii), (g), (j), and (l). We affirm.

Respondent does not challenge the trial court's finding that there existed statutory grounds to terminate her parental rights. It was, for example, undisputed that her rights to other children were terminated previously. MCL 712A.19b(3)(l). If the trial court finds that a statutory ground for termination has been established by clear and convincing evidence, the trial court must determine whether doing so is in the child's best interests. MCL 712A.19b(5). Respondent contends that the trial court erred in so finding. We disagree.

We review the court's decision for clear error, MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 365; 612 NW2d 407 (2000), meaning we are left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003); *In re Miller*, 433 Mich 331, 337; 455 NW2d 161 (1989). In reviewing the trial court's decision, we give regard to the trial court's better opportunity to evaluate witness credibility. MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Numerous medical professionals agreed that the injuries the child sustained while in the father's care were unlikely to be accidental or, in fact, diagnostic of abuse. Furthermore, it was apparent that the injuries and the father's admitted roughness with the child were causes for concern even to respondent. While it was not necessarily unreasonable for respondent to be unsure about the nature of the child's injuries at first, we do not find that the trial court clearly erred in concluding that, after medical witnesses testified that the injuries must have resulted from abuse, respondent should have recognized that the father posed a risk to the child instead of defending the injuries as accidental. We disagree with respondent's contention that petitioner was required to prove that she knew abuse occurred. Moreover, the evidence indicated that her long-term prognosis continued to suggest that she would cling to negative relationships and put her needs above her child's, and she testified that she would remain with the father if the child were returned.

We appreciate the fact that respondent had matured considerably since the prior terminations, and she did not, herself, injure the child. We further appreciate the fact that it appears respondent never actually witnessed the father abusing the child. Nevertheless, on balance, we do not find that the trial court committed clear error in finding termination in the child's best interests.

Affirmed.

/s/ Michael J. Talbot
/s/ E. Thomas Fitzgerald
/s/ Alton T. Davis