

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
April 24, 2012

In the Matter of J. HERRERA, Minor.

No. 305092
Ottawa Circuit Court
Family Division
LC No. 09-063574-NA

In the Matter of J. HERRERA, Minor.

No. 305189
Ottawa Circuit Court
Family Division
LC No. 09-063574-NA

Before: BECKERING, P.J., and OWENS and RONAYNE KRAUSE, JJ.

PER CURIAM.

In these consolidated appeals, respondent-mother appeals as of right the trial court order terminating her parental rights to her minor child under MCL 712A.19b(3)(b)(ii), (c)(i), and (g), and respondent-father appeals as of right the same order terminating his parental rights under MCL 712A.19b(3)(b)(i), (c)(i), (g), and (j). We affirm.

Respondents challenge the trial court's finding under MCL 712A.19b(5) that termination was in the child's best interests. Because respondents do not challenge the trial court's determination that the statutory grounds for termination under MCL 712A.19b(3) were established, we shall assume, for purposes of our review, that the trial court did not clearly err in finding the statutory grounds were met. *In re JS & SM*, 231 Mich App 92, 98-99; 585 NW2d 326 (1998), overruled in part on other grounds *In re Trejo*, 462 Mich 341, 353 n 10; 612 NW2d 407 (2000). "Once the petitioner has presented clear and convincing evidence that persuades the court that at least one ground for termination is established under subsection 19b(3), the liberty interest of the parent no longer includes the right to custody and control of the child." *Trejo*, 462 Mich at 355. We review the trial court's assessment of the child's best interests for clear error. MCR 3.977(K); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003).

Having evaluated respondents' arguments, we do not find clear error in the trial court's holding regarding the child's best interests. Respondents argue that the trial court failed to adequately consider evidence or factors other than the risk of future injury to the child. Under

MCR 3.977(I)(1), “[b]rief, definite, and pertinent findings and conclusions on contested matters are sufficient.” In general, this Court has found a trial court’s findings sufficient where “it appears that the trial court was aware of the issues in the case and correctly applied the law,” *Triple E Produce Corp v Mastronardi Produce*, 209 Mich App 165, 176; 530 NW2d 772 (1995), and where “appellate review would not be facilitated by requiring a further explanation.” *Id.* The trial court’s findings in this case are sufficient to satisfy these standards.

In addition, we find that neither respondent has established that the evidence in the Kent County case involving the child’s younger sibling provides a basis for disturbing the trial court’s assessment of the child’s best interests. To the extent that respondent-father argues that the trial court should not have considered his treatment of the younger sibling when evaluating the child’s best interests, we note that the doctrine underlying his argument has a bearing on the statutory grounds for termination. See *In re Powers*, 208 Mich App 582, 588; 528 NW2d 799 (1995) (under the doctrine of anticipatory neglect or abuse, a parent’s treatment of one child is probative of how a parent may treat another child). In this case, and after respondents were afforded a treatment plan, the trial court appropriately considered the rib and leg fractures sustained by the child’s younger sibling in evaluating the statutory grounds for termination. The trial court may consider the entire record in evaluating a child’s best interests, *Trejo*, 462 Mich at 356. Considering the record in its entirety, we hold that the trial court did not clearly err in finding that termination of respondents’ parental rights was in the child’s best interests, even if respondents continue to live apart. Although the trial court’s decision creates a risk that the child will be separated from his younger sibling, the trial court did not clearly err in giving greater weight to the child’s need for a safe home environment.

Affirmed.

/s/ Jane M. Beckering
/s/ Donald S. Owens
/s/ Amy Ronayne Krause