

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of K. M., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KEVIN MORRISSETTE,

Respondent-Appellant,

and

SAMANTHA MORRISSETTE,

Respondent.

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In the Matter of K. M., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SAMANTHA MORRISSETTE,

Respondent-Appellant,

and

KEVIN MORRISSETTE,

Respondent.

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Before: Griffin, P.J., and Neff and White, JJ.

UNPUBLISHED

March 16, 2001

No. 229238

Calhoun Circuit Court

Family Division

LC No. 97-000667-NA

No. 229275

Calhoun Circuit Court

Family Division

LC No. 97-000667-NA

MEMORANDUM.

In these consolidated cases, respondents appeal by delayed leave granted a family court order terminating their parental rights to the minor child pursuant to MCL 712A.19b(3)(g) [neglect], 3(j) [reasonable likelihood of harm if returned to the parent's home], and 3(k) [abuse of a child or sibling]; MSA 27.3178(598.19b)(3)(g), (j), and (k), following the death of the child's younger sibling. We affirm.

The family court did not err in assuming jurisdiction over the child on the basis that the home environment of the minor child was unfit by reason of criminality, cruelty, and/or neglect, MCL 712A.2(b)(2); MSA 27.3178(598.2)(b)(2). MCR 5.972(C)(1); *In re S R*, 229 Mich App 310, 314; 581 NW2d 291 (1998); *In re Toler*, 193 Mich App 474, 476; 484 NW2d 672 (1992). Given the medical testimony and other evidence, the court's finding that the circumstances of the sibling's death were suspicious was not clearly erroneous. The pediatric intensive care physician determined that the sibling died from non-accidental trauma, and the pathologist's findings were inconclusive concerning the cause of death. The issue raised by respondents is one of the weight to be accorded the witnesses' testimony; this is a matter for the trial court. MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Given evidence that the minor child's sibling died from non-accidental trauma, respondents' history of domestic violence and previous child protective services proceedings, and evidence of a poor prognosis for reunification, the family court did not clearly err in finding that termination under subsections 3(g), 3(j) and 3(k) was established by clear and convincing evidence. MCR 5.974(I); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Richard Allen Griffin

/s/ Janet T. Neff

/s/ Helene N. White