

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.M.P., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ASIA PHILLIPS and ISIAH ROBINSON,

Respondents-Appellants.

UNPUBLISHED

July 12, 2002

No. 237709

Ingham Circuit Court

Family Division

LC No. 00-426801-NA

Before: Hood, P.J., and Saad and E. M. Thomas*, JJ.

MEMORANDUM.

Respondents appeal the trial court's order terminating their parental rights to their daughter pursuant to MCL 712A.19b(3)(g), (i), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

We hold that the trial court did not clearly err in finding that petitioner established one or more statutory grounds for the termination of both respondent's parental rights. It was undisputed that respondent Phillips' parental rights to another child had been terminated based on evidence that the child was physically abused, and that Phillips displayed the same propensity for physical abuse in the instant case. The evidence established that Phillips had a longstanding mental disorder for which she was not taking prescribed medication. She did not attend therapy and counseling sessions as required, and was unable to demonstrate the ability to put concepts learned in parenting classes into practice.

* Circuit judge, sitting on the Court of Appeals by assignment.

The trial court did not clearly err in finding that termination of Phillips' parental rights was warranted on the grounds that she failed to provide proper care or custody and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), that her parental rights to another child had been terminated and prior attempts at rehabilitation were unsuccessful, MCL 712A.19b(3)(i), and that it was reasonably likely that the child would be harmed if returned to her care, MCL 712A.19b(3)(j). The evidence showed that respondent Robinson was willing to leave the child in Phillips' unsupervised care, notwithstanding the fact that he was aware of her mental difficulties and her rough treatment of the child. The trial court did not clearly err in finding that termination of respondent's parental rights was warranted pursuant to MCL 712A.19b(3)(j). The evidence did not show that termination of respondents' parental rights was clearly not in the child's best interests. MCR 5.974(I); *Trejo, supra*.

Affirmed.

/s/ Harold Hood
/s/ Henry William Saad
/s/ Edward M. Thomas