

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of G.S., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JORGE SANTIBANEZ,

Respondent-Appellant,

and

R. IOTT,

Appellee.

UNPUBLISHED

March 13, 2003

No. 244639

Ingham Circuit Court

Family Division

LC No. 00-037135-NA

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

PER CURIAM.

Respondent appeals as of right the trial court's order terminating his parental rights to his child pursuant to MCL 712A.19b(3)(g) and (j).¹ 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.

¹ Petitioner did not seek to terminate the parental rights of appellee R. Iott, the mother of G.S. G.S. was placed with Iott.

The trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights. Petitioner sought custody of the child because respondent had physically abused another child who resided in his household. The fact that no evidence showed that respondent physically abused his biological children is not determinative. How a person treats one child, including a child who is not his offspring, is probative of how the person might treat another child. *In re AH*, 245 Mich App 77, 84; 627 NW2d 33 (2001). Respondent did not avail himself of services offered to him by petitioner, but attended some counseling sessions for a short time while he was incarcerated. Respondent had a history of engaging in physical violence with adults and children. A psychological evaluation indicated that he was a hostile and angry person who resorted to physical violence when frustrated. A psychological evaluation is probative of a person's future ability to parent. *In re Johnson*, 142 Mich App 764, 766; 371 NW2d 446 (1985).

The trial court's finding that G.S. would be in danger in respondent's custody was not clearly erroneous. *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993). The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that respondent could not provide proper care or custody for the child and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that there was a reasonable likelihood that the child would be harmed if returned to respondent's custody, MCL 712A.19b(3)(j). The evidence did not establish that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *Trejo, supra*.

Affirmed.

/s/ Richard Allen Griffin

/s/ Janet T. Neff

/s/ Hilda R. Gage