

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

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In the Matter of GRIFFIN BURGESS, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANN BURGESS a/k/a ANN OLNEY-BURGESS,

Respondent-Appellant.

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UNPUBLISHED  
December 23, 2003

No. 248342  
Jackson Circuit Court  
Juvenile Division  
LC No. 98-088189-NA

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

PER CURIAM.

Respondent appeals as of right from the trial court's order terminating her parental rights to her son under MCL 712A.19b(3)(i), (j) and (l). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the three grounds for termination were established by clear and convincing evidence, MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

Respondent, whose parental rights to three older children had previously been terminated, first argues that the evidence that she has been steadily employed for two years as a nurses' aide, has the economic ability to support her son, keeps her house clean and has worked hard to turn her life around, established that she has successfully rehabilitated. We find, however, that, although these are positive changes, the evidence clearly established that respondent failed to successfully address the major concerns that led to the termination of her parental rights to her older children, i.e., her pattern of involvement with potentially abusive men that could harm her children and her inability to provide proper care and nurturing to her children.

MCL 712A.19b(3)(i)

First, we find that respondent's involvement with two men with abusive histories since she began domestic abuse therapy, one during the prior proceedings and Griffin's father after the prior termination, clearly established that she has not successfully changed her pattern of involvement with potentially abusive men. Respondent's conduct and testimony clearly established that she continued to fail to recognize the potential risk of harm to her children by involving herself with potentially abusive men.

We also find that the caseworker's testimony in the present case concerning the "very minimal" interaction between respondent and her son during their visits, coupled with her past failure to provide proper care, emotional support and nurturing to her older children, especially her infant daughter, suggested that respondent also lacked the current capacity to provide her son with proper care and emotional support. We cannot say that the trial court clearly erred by finding that respondent had a long-term problem in terms of her ability to interact and properly care for her children.

MCL 712A.19b(3)(j)

As the preceding discussion shows, there was evidence that respondent failed to protect her older children from abuse, she repeatedly involved herself with potentially abusive men and she was unable to recognize the risk of harm to her children of associating with abusive men. This evidence suggests that respondent would likely fail to protect her son from harm through her continued involvement with potentially abusive men. Further, as already discussed, the evidence also showed that respondent would likely not be able to properly nurture or provide emotional support to her son because she failed to do so with her older children and she had only minimal interaction with her son. In view of this evidence, we find that the trial court did not clearly err in finding that there was a reasonable likelihood, based on respondent's capacity and conduct, that her son would be harmed if returned to her home. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

MCL 712A.19b(3)(l)

Lastly, termination under subsection (3)(l) was appropriate if "[t]he parent's rights to another child were terminated as a result of proceedings under [MCL 712A.2(b)] or a similar law of another state." MCL 712A.19b(3)(l). In the prior proceedings, the court adjudicated respondent's older children as neglected and the preceding discussion shows that respondent's parental rights to her older children were terminated due to her failure to protect her children from abuse, her continued involvement with abusive men and her inability to properly care for or nurture/parent her children.

Respondent next argues that the trial court erred because termination of her parental rights was clearly not in the child's best interests. We disagree. Although respondent's testimony established that she had adequate income and would provide suitable housing for her son, the evidence also established that she did not have the ability to provide proper nurturing and emotional support to her son and she would likely fail to protect him from harm through her continued involvement with abusive men. In view of this evidence, we find that the evidence did not establish that termination of respondent's parental rights was clearly not in the child's best interests. *In re Trejo, supra*, p 354.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Janet T. Neff

/s/ Helene N. White