

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DEREESE LEU'SERGO
JACKSON, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

AMBER ROSE WIELAND,

Respondent-Appellant,

and

DEREESE LOUIS JACKSON,

Respondent.

UNPUBLISHED

June 24, 2004

No. 252469

Saginaw Circuit Court

Family Division

LC No. 03-028300-NA

Before: Sawyer, P.J., and Gage and Owens, JJ.

MEMORANDUM.

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

Initially, respondent-appellant challenges the trial court's assumption of jurisdiction based on the injuries to Dereese's sibling, Curry Martin, while in respondents' care. We find no error. The doctrine of anticipatory neglect is appropriately applied to the jurisdictional phase of child protective proceedings. *In re Powers*, 208 Mich App 582, 588-589; 528 NW2d 799 (1995); *In re Dittrick*, 80 Mich App 219, 222-223; 263 NW2d 37 (1977). The trial court thoroughly reviewed the evidence and considered the arguments of respondent-appellant's attorney in its findings regarding the jurisdictional issue.

Further, the trial court did not clearly err in finding the statutory grounds for termination established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000); *Powers, supra*, 208 Mich App 588-594. Dereese's then two-year-old sibling, Curry, was severely burned while under respondents' care. The parents' explanations

were inconsistent, respondent-appellant was not candid regarding the timing of the injuries, and respondent-appellant clearly failed to obtain timely medical treatment for Curry. Instead, she waited several days and then took Curry and an older sibling to Kentucky. She did not take Curry to the hospital because she feared that he would be removed and she would be arrested. As the trial court observed, there is a substantial likelihood of similar occurrences with Dereese, who is approaching the age Curry was when injured.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in Dereese's best interests. MCL 712A.19b(5); *Trejo, supra*, 462 Mich 356-357. Although respondent-appellant did inquire about Dereese's welfare while in foster care, she missed court hearings and several appointments and did not demonstrate that she could follow through in attempting to reunite with Dereese. Dereese was only one month old when removed from respondent-appellant's care. Given these facts, the injury to Curry, and respondent-appellant's behavior after the injury, the trial court did not clearly err in finding that termination of respondent-appellant's parental rights was not clearly contrary to Dereese's best interests.

Affirmed.

/s/ David H. Sawyer
/s/ Hilda R. Gage
/s/ Donald S. Owens