

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANNETTE LEE NEAL and
PRINCESS PORTER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANDREA NEAL,

Respondent-Appellant.

UNPUBLISHED
December 16, 2004

No. 253603
Wayne Circuit Court
Family Division
LC No. 95-333261

Before: Markey, P.J., and Fitzgerald and Owens, JJ.

MEMORANDUM.

Respondent appeals by right the trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(j) and (l). We affirm.

The sole issue asserted on appeal is that the trial court clearly erred by finding that termination of respondent's parental rights was not clearly contrary to the best interests of the children. Once the petitioner established a statutory ground for termination by clear and convincing evidence, the trial court was required to order termination of parental rights unless the court found from evidence on the whole record that termination was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). The trial court's decision regarding the children's best interests is reviewed for clear error. *Id.* at 356-357.

The trial court did not clearly err by finding that termination of respondent's parental rights was not clearly contrary to the best interests of the children. The evidence showed that respondent struck another of her children, then two years old, in the abdomen causing his death. The medical examiner report concluded that "death was caused by inflicted blunt force injuries." Respondent's treatment of this child is probative of how she may treat other children. *In re AH*, 245 Mich App 77, 84; 627 NW2d 33 (2001); *In re Laflure*, 48 Mich App 377, 392; 210 NW2d 482 (1973). The Clinic for Child Study, which is found in the record, indicated that respondent reports having no bond with Annette. Respondent had difficulty making common sense decisions and her operational and verbal judgments are impaired. Despite some evidence of

respondent's positive bond with Princess, we cannot conclude on the whole record, in which the death of respondent's son at her hands weighs heavily, that the trial court clearly erred by finding that termination was not clearly contrary to the best interests of the children. *In re Terry*, 240 Mich App 14, 22; 610 NW2d 563 (2000).

We affirm.

/s/ Jane E. Markey
/s/ E. Thomas Fitzgerald
/s/ Donald S. Owens