

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of TRACI DEA'ON LEWIS, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SANDRA RACHEL KEWLEY,

Respondent,

and

TRACY DION LEWIS,

Respondent-Appellant.

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UNPUBLISHED

March 3, 2009

No. 285577

Wayne Circuit Court

Family Division

LC No. 94-313125-NA

Before: Jansen, P.J., and Meter and Fort Hood, JJ.

MEMORANDUM.

Respondent-appellant appeals by right the family court's order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The family court did not clearly err by finding that MCL 712A.19b(3)(c)(i), (g), and (j) had been established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). There was a history of physical and mental abuse by respondent against the child, and another person had sexually abused the child while the child was in respondent's care. The child had been in foster care for five years, during which time respondent was periodically incarcerated. Respondent also failed to benefit from therapy and anger management classes, and was still unable to control his temper even in a supervised setting at the time of termination. He did not accept any responsibility for the child's removal from his care, and never established an appropriate home for the child. His failure to benefit from services and his unresolved anger issues and inability to place the child's needs before his own created a reasonable likelihood of continued physical and emotional abuse if the child were returned to his care.

Further, the evidence did not show that termination of respondent's parental rights was clearly contrary to the child's best interests.<sup>1</sup> MCL 712A.19b(5); *In re Trejo*, 462 Mich at 356-357. The child feared respondent and did not feel he would protect her. She did not want to live with him and had nightmares after visits, or even when the idea of visitation was discussed. The family court did not err by terminating respondent's parental rights to the minor child.

Affirmed.

/s/ Kathleen Jansen  
/s/ Patrick M. Meter  
/s/ Karen M. Fort Hood

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<sup>1</sup> The Legislature has amended MCL 712A.19b(5), effective July 11, 2008. See 2008 PA 199. MCL 712A.19b(5) now provides that "[i]f the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights . . . ." However, the termination order at issue in this case was entered before this 2008 amendment took effect.