

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

January 13, 2011

In the Matter of FREEZE, Minors.

No. 298300

Berrien Circuit Court

Family Division

LC No. 2009-000011-NA

Before: MARKEY, P.J., and ZAHRA and DONOFRIO, JJ.

PER CURIAM.

Respondent appeals by right the trial court's order terminating his parental rights to the minor children under MCL 712A.19b(3)(b)(i) (the parent's act caused the child or sibling physical injury or abuse), (b)(ii) (parent who had opportunity to prevent the injury or abuse failed to do so), (c)(i) (conditions that led to the adjudication continue to exist), (c)(ii) (other conditions exist that caused the child to come within the court's jurisdiction), (g) (without regard to intent, failure to provide proper care or custody), and (j) (based on conduct or capacity of parent, reasonable likelihood of harm to child if returned to the parent). We affirm.

Respondent's sole issue on appeal is that his parental rights should not have been terminated because, if the children's mother died before the children reached adulthood, they would have no biological parent. We find this argument to be totally without merit and unsupported by any legal or factual basis as required by MCR 7.212(C)(7).

If the trial court finds that there are grounds for termination of parental rights and that termination of parental rights is in the children's best interests, the court must order termination of parental rights and order that additional efforts for reunification of the children with the parent not be made. MCL 712A.19b(5). The trial court's decision regarding the children's best interests is reviewed for clear error. *In re Trejo*, 462 Mich 341, 356-367; 612 NW2d 407 (2000). The court may consider evidence offered by any party and from the whole record when making its best interests determination. *Id.* at 354-355.

Respondent has not disputed the trial court's decision that the statutory grounds for termination were proven by clear and convincing evidence. The record shows that respondent never accepted responsibility for any of his actions, blamed everyone else for his problems, and did not cooperate or comply with any of the services that might have helped him to keep his parental rights. Most importantly, there was overwhelming evidence that the children had been badly damaged emotionally by respondent, leading to posttraumatic stress disorder. They were extremely fearful of him, and both had clearly expressed that they did not want to see him or

have any contact with him. In addition, their counselors and everyone else who had worked with the children testified that they would be traumatized and set back in their progress if they had any contact with him. Accordingly, there was clear and convincing evidence to support the court's finding that termination of respondent's parental rights was in the best interests of the children. The trial court did not clearly err in terminating respondent's parental rights.

Affirmed.

/s/ Jane E. Markey
/s/ Brian K. Zahra
/s/ Pat M. Donofrio