

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
February 15, 2011

In the Matter of D. MAXWELL, Minor.

No. 299742
Ingham Circuit Court
Family Division
LC No. 09-000596-NA

Before: SERVITTO, P.J., and GLEICHER and SHAPIRO, JJ.

MEMORANDUM.

Respondent A. Harris appeals as of right from a trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). Because the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence, we affirm.

The child was removed from respondent's care because respondent was homeless and because she had an anger management problem that resulted in her stabbing a relative in the child's presence. During the course of these proceedings, respondent threatened to kill her mother if she had the child's hair cut, and refused a referral to anger management classes because she was engaged in domestic violence classes or counseling as a condition of her criminal probation. However, not long after completing domestic violence treatment, respondent stabbed her boyfriend during an argument. She thereafter discontinued anger management counseling. Respondent also continued to live with her boyfriend because she was financially dependent on him, and they admittedly continue to argue. Considering respondent's history of violence and failure to rectify that condition, the trial court did not clearly err in finding that grounds for termination existed under §19b(3)(c)(i), (g), and (j). MCR 3.977(H)(3)(a) and (K); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Contrary to what respondent argues on appeal, petitioner was not required to prove long-term future neglect as held in *In re Draper*, 150 Mich App 789, 798; 389 NW2d 179 (1986), vacated in part 428 Mich 851 (1987), and *In re Mason*, 140 Mich App 734, 736; 364 NW2d 301 (1985). Those decisions relied on *Fritts v Krugh*, 354 Mich 97, 114; 92 NW2d 604 (1958), overruled on other grounds by *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993), which established the proof necessary for termination under former MCL 712A.19a(e). That case predates the enactment of current §19b(3), which now sets forth the criteria for termination.

Finally, because the evidence indicated that the child was not strongly bonded to respondent, and respondent was not in a position to provide for the child's basic needs and to

assure a stable and nurturing home environment, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich at 356-357

Affirmed.

/s/ Deborah A. Servitto
/s/ Elizabeth L. Gleicher
/s/ Douglas B. Shapiro