

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of T.M.S., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CARRIE M. SNELL,

Respondent-Appellant,

and

JASON A. SERVICE,

Respondent.

In the Matter of T.M.S., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JASON A. SERVICE,

Respondent-Appellant,

and

CARRIE M. SNELL,

Respondent.

UNPUBLISHED
March 25, 2003

No. 242616
Barry Circuit Court
Family Division
LC No. 01-006045-NA

No. 242869
Barry Circuit Court
Family Division
LC No. 01-006045-NA

Before: Schuette, P.J., and Sawyer and Wilder, JJ

PER CURIAM.

Respondents appeal as of right in separate dockets from the trial court order terminating their parental rights to the minor child under MCL 712A.19b(3)(b)(i) and (ii), (c)(i) and (ii), and (j). We affirm.

I. Facts

T.M.S. came to the attention of authorities on August 21, 2001 when respondents took her to the emergency room because of fussiness, a cough and vomiting. Although they were told at the ER that T.M.S. was fine, T.M.S. was eventually diagnosed with four broken ribs that were non-accidental in nature. Eventually, doctors determined that besides the broken ribs, T.M.S. had blood in her chest cavity, a chipped bone on her shoulder, a fractured shinbone, a corner fracture on her left thigh, and a broken clavicle. Neither respondent could explain the injuries at the time of the early hearings in this matter, although respondent-mother eventually pleaded guilty to child abuse (the degree is not specified in the record). The criminal court sentenced her to three years of probation, the first year to be served in jail.

In June 2002, the court held a termination hearing. The court subsequently entered an opinion and order in which it found that respondent-mother had admitted to the abuse, was jailed until at least January 2003 and had not completed the requirements of the parent/agency agreement. The court found a reasonable likelihood of injury to the child if returned to her, stating “[t]here is no indication on the record that Carrie Snell could safely parent this child in the long run, much less the short one.” As to respondent-father, the court found that he failed to protect T.M.S. from the serious abuse and there was no evidence he would rectify that situation in the foreseeable future. As an example, the court noted he could not have successful visits with T.M.S.. He did not know how to tend to her needs during visits, and afterward T.M.S. experienced a variety of negative reactions closely examined by the trial court.

II. Standards of Review

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993). This Court reviews the trial court’s findings of fact for clear error. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). A finding is clearly erroneous if, although there is evidence to support it, the reviewing court on the entire record is left with a definite and firm conviction that a mistake has been made. *Id.*

Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court is required to order termination of parental rights unless the court finds from evidence on the whole record that termination is clearly not in the child’s best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). The trial court’s decision regarding the child’s best interests is reviewed for clear error. *Id.*

III. Analysis

We find that the trial court did not clearly err in finding that the statutory grounds for termination under MCL 712A.19b(3)(b)(i) and (j) for respondent-mother and under MCL 712A.19b(3)(b)(ii) and (j) for respondent-father were established by clear and convincing evidence. MCR 5.974(I); *Miller, supra* at 337. Any error in finding that the other statutory grounds were established is harmless because clear and convincing evidence of only one statutory ground is necessary to support the trial court's termination order. *In re Powers Minor*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Furthermore, the evidence did not show that termination of respondents' parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357. Thus, the trial court did not err in terminating respondents' parental rights to the child.

Affirmed.

/s/ Bill Schuette

/s/ David H. Sawyer

/s/ Kurtis T. Wilder