

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

In the Matter of THOMAS WIEL, Minor.

---

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CYNTHIA WIEL,

Respondent-Appellant,

and

THOMAS WIEL,

Respondent.

---

In the Matter of THOMAS WIEL, Minor.

---

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

THOMAS WIEL,

Respondent-Appellant,

and

CYNTHIA WIEL,

Respondent.

---

UNPUBLISHED  
September 16, 2003

No. 246678  
Jackson Circuit Court  
Family Division  
LC No. 02-003448-NA

No. 246679  
Jackson Circuit Court  
Family Division  
LC No. 02-003448-NA

Before: Smolenski, P.J., and Murphy and Wilder, JJ.

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right from the trial court's order terminating their parental rights to the minor child. Respondent-mother's parental rights were terminated under MCL 712A.19b(3)(i), (j), (k), and (l), and respondent-father's parental rights were terminated under MCL 712A.19b(3)(g) and (j). We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

To terminate parental rights, the court must find that at least one of the statutory grounds for termination listed 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). We review the court's findings for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence indicated that respondent-mother had previously killed a child during an earlier marriage by severely shaking him. Extreme malnourishment also contributed to the child's death. Her remaining three children from that marriage were removed from her care, but were later returned. However, respondent-mother's rights to all three children were terminated in April 1999 after one of the children was discovered to be extremely malnourished. The child was below the fifth percentile for weight and height when removed from the home, yet gained weight rapidly while in foster care.

The child in this case was removed shortly after his birth based on these prior occurrences. Despite respondent-mother's apparent good prenatal care during her pregnancy, as well as her marriage to a different man, we do not find that the trial court clearly erred in determining that respondent-mother will treat this child any differently. She still refuses to acknowledge her previous behavior was detrimental to the children's health or take responsibility for their poor care. And efforts at rehabilitation have failed. Respondent-mother participated in services offered after her oldest child's death, yet another child was later found to be extremely malnourished despite respondent-mother's insistence that her home environment was perfect. This Court has held that evidence of mistreatment on one child is probative of treatment of other children. *In re Jackson*, 199 Mich App 22, 26; 501 NW 182 (1993). On this evidence alone, we find that the court did not clearly err deciding that statutory grounds for termination of respondent-mother's parental rights had been established by clear and convincing evidence.

In regards to respondent-father, he was equivocal when asked if respondent-mother bore any responsibility for the previous injuries to her children, offering that the eldest child's death could have been caused by head bobbing and that the underweight younger child might simply have had a high metabolism. It appears that respondent-father is willfully blind to the dangerousness of respondent-mother's behavior. Also, respondent-father also gave no indication that he would leave respondent-mother if his rights were not terminated and he was to become the primary caregiver. While we recognize that the court's decision was based in part on the anticipated future behavior of respondents, we afford great deference to the trial court's ability to assess the witnesses credibility. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Given the above evidence, we cannot say that the trial court clearly erred in concluding that the child will not be safe with respondent-father if respondent-mother remains in the house.

Therefore, we find that trial court did not clearly err in finding that statutory grounds for termination were established by clear and convincing evidence. *Id.* We further find that the court did not clearly err in concluding that 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. Respondent-mother's presence in the home poses too great a risk to be ignored. Thus, we hold that the trial court did not clearly err in terminating respondents' parental rights to the child.

Affirmed.

/s/ Michael R. Smolenski

/s/ William B. Murphy

/s/ Kurtis T. Wilder