

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of DAMARIUS WILLIAMS, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MARY JANE WALLS,

Respondent-Appellant,

and

ANTONIO C. WILLAMS,

Respondent.

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UNPUBLISHED

April 6, 2006

No. 264446

Kent Circuit Court

Family Division

LC No. 05-051417-NA

Before: Smolenski, P.J., and Owens and Donofrio, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from an order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(i), (j), and (l). We affirm.

Respondent-appellant does not challenge the trial court's finding of statutory grounds for termination but argues only that termination of her parental rights was not in the child's best interests. If the trial court determines that petitioner established the existence of one or more statutory grounds for termination by clear and convincing evidence, the trial court must terminate the respondent's parental rights unless it determines 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, 353-354; 612 NW2d 407 (2000).

Respondent-appellant's rights to four other children were terminated just a few days after the birth of the minor child Damarius. During the earlier proceeding, respondent-appellant was provided with a parent agency agreement, the opportunity to participate in and benefit from numerous services, and the chance to demonstrate that she could provide the children with proper care and custody within a reasonable time. Nonetheless, the trial court found the evidence clear and convincing to terminate respondent-appellant's parental rights to the four children pursuant to MCL 712A.19b(3)(c)(i) and (g) and found that the children's best interests

did not preclude termination of her parental rights. This Court affirmed. Specifically addressing the bond between respondent-appellant and the children, this Court found that the bond was outweighed by the children's need for a safe, stable, loving home, which respondent-appellant was not able to provide. *In re Steffes*, unpublished opinion per curiam of the Court of Appeals, issued February 14, 2006 (Docket Nos. 263202, 263203, 263204, 263405).

While respondent-appellant had taken some steps to address the barriers that led to termination of her parental rights to her four other children, the trial court took judicial notice of the prior proceedings and determined that the issues of domestic violence, physical abuse, and physical neglect continued through the period just before Damarius's birth. In addition, three months later at the time of the termination trial with regard to Damarius, respondent-appellant still maintained a relationship with respondent Williams who had been violent towards her. Like his older siblings, Damarius needs a safe, stable, loving home, which respondent-appellant is not able to provide. Therefore, the trial court did not clearly err in determining that it was not against this child's best interests to terminate respondent-appellant's parental rights. MCR 3.977(J).

Affirmed.

/s/ Michael R. Smolenski  
/s/ Donald S. Owens  
/s/ Pat M. Donofrio