

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of DENNIS-JOHN ELWIN WILDE,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

CLEVELAND ELWIN WILDE,

Respondent-Appellant.

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UNPUBLISHED

June 7, 2007

No. 274052

Muskegon Circuit Court

Family Division

LC No. 06-035292-NA

Before: White, P.J., and Saad and Murray, JJ.

PER CURIAM.

Respondent appeals as of right from the order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(i), (g), (j), and (k)(iii). We affirm.

Termination of parental rights is appropriate where petitioner proves by clear and convincing evidence at least one statutory ground for termination. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). Once this has occurred, the trial court shall terminate parental rights unless it finds that the termination is clearly not in the best interests of the child. *Id.* at 353. Michigan law also does not preclude a court from terminating only one parent's rights. *In re Cr*, 229 Mich App 310, 317; 581 NW2d 291 (1998). This Court reviews the trial court's findings under the clearly erroneous standard. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); MCR 3.977(J).

Testimony revealed that respondent stuck his finger down his two-month-old son's throat for 15 to 30 seconds. When he pulled his finger out of the child's mouth, respondent's finger had blood on it. The child was eventually taken to the hospital, and the following was documented: "Oropharynx has an area to the posterior pharynx on the left that his [sic] approximate 1 cm in diameter that is ecchymotic and swollen. There is a superficial abrasion over that. There is no active bleeding." Such evidence clearly supports the trial court's finding that respondent's act caused physical injury to the child.<sup>1</sup> Given respondent's anger issues,

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<sup>1</sup> Respondent also plead no contest to second-degree child abuse.

including testimony that respondent stuck his finger down the child's throat because he was angry that the child would not stop crying, that he had previously stuck his finger down the child's throat when he was crying, and evidence of respondent's domestic violence against his wife and a previous partner, the trial court did not clearly err in finding that there was a reasonable likelihood that the child would suffer from injury or harm in the foreseeable future in respondent's care.

At the termination hearing, Connie Richardson, respondent's counselor, recommended that respondent not parent the child by himself. When asked if respondent would be able to parent in the future, Richardson stated that it depended on his success in the counseling sessions and his ability to handle stress and anxiety. Richardson opined that respondent should be reevaluated in six months to one year. Respondent argues that it was not unreasonable to wait this time period to see if he could properly care for his son. However, on cross-examination, Richardson acknowledged that she was not aware of the domestic violence incidents involving respondent, which included being sentenced to one-year probation for domestic violence in a prior relationship. Given respondent's anger management issues, incidents of domestic violence, his borderline personality disorder, and the fact that respondent had just started counseling sessions to address such issues, we find that the trial court did not clearly err in finding that there was no reasonable expectation that respondent would be able to provide proper care within a reasonable time considering the child's age.

Respondent also contends that termination of his parental rights was not in the child's best interests. Respondent relies on the fact that his counselor initially testified that this family unit should be preserved. However, on cross-examination, Richardson was asked if respondent's domestic violence incidents, of which she had been unaware until the termination hearing, would impact her opinion about the child's best interests, and she stated, "It would certainly give me rise to give much more thought to it." It is also true that respondent's wife testified that this child needed his father and mother. However, the child's health and safety is more important than preserving this family unit. Respondent's anger issues and mental health issues prevented him from properly caring for his son and posed a risk of harm to the child. Thus, the evidence did not demonstrate that termination of respondent's parental rights was clearly not in the child's best interests.

Affirmed.<sup>2</sup>

/s/ Henry William Saad

/s/ Christopher M. Murray

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<sup>2</sup> In deciding this admittedly close case, the restraints imposed upon us by the clearly erroneous standard of review has been in the forefront. In particular, we are mindful that we cannot reverse the trial court under this deferential standard of review even when we find that the trial court was "maybe or probably wrong." *Trejo, supra* at 356-357.