

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of MARTIN LEDDY and  
NICHOLAS LEDDY, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHELE LEDDY,

Respondent-Appellant.

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UNPUBLISHED

January 13, 2009

No. 286599

Bay Circuit Court

Family Division

LC No. 07-009747-NA

Before: Murray, P.J., and O'Connell and Davis, JJ.

PER CURIAM.

Respondent appeals as of right the order terminating her parental rights to her minor children under MCL 712A.19b(3)(b)(i), (c)(i), and (g). We affirm.

A petitioner must establish at least one statutory ground for termination of parental rights by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). Petitioner provided clear and convincing evidence that respondent physically abused her son and that he was reasonably likely to be abused again if returned to her care. Respondent denied some aspects of the abuse allegations. However, witnesses testified that the children described the abuse to therapists, and respondent pleaded no contest to the allegations. The trial court was in the best position to judge respondent's credibility, which was weakened by her apparent attempts to deceive the court through fake letters. See *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The trial court did not err when it found clear and convincing evidence of a statutory ground to terminate respondent's parental rights under MCL 712A.19b(3)(b)(i). The same evidence supported the trial court's finding of statutory grounds to terminate respondent's parental rights under MCL 712A.19b(3)(c)(i) and (g). The condition leading to adjudication, respondent's abusive parenting, continued to exist and was not reasonably likely to change in a reasonable time, MCL 712A.19b(3)(c)(i), and she was not likely to provide proper care and custody within a reasonable time, MCL 712A.19b(3)(g).

Although respondent claimed she benefited from parenting classes, her instructors reported she misinterpreted information and focused on her children's misbehavior.

Respondent's failure to provide her older son's belongings, her reaction to his requests at a visit, and the things she said about her children during her testimony demonstrated an inability to empathize, consistent with her psychological evaluation. Her therapist testified she did not make progress. Respondent claims she could not benefit from therapy until after her criminal case was resolved; however, she continued to deny allegations after her guilty plea. There was no evidence respondent requested a new therapist, except letters that appeared to be written all at the same time. Respondent was not given a new opportunity to demonstrate her parenting skills with her younger son because it was feared she would further damage a child with serious emotional and behavioral problems. Before the proceedings began, respondent received instructions on how to handle the younger boy, and the therapist described her as dismissive toward the child. Her attitude toward the older child throughout the proceedings suggested she would be harsh toward him for not supporting her if he were ever returned to her care. Since there was evidence in the record to support the trial court's findings of fact, we cannot find clear error. *People v Akins*, 259 Mich App 545, 563; 675 NW2d 863 (2003).

Once a trial court finds a statutory ground for termination, it must terminate parental rights unless termination was clearly against the children's best interests. MCL 712A.19b(5);<sup>1</sup> *In re Trejo Minors*, 462 Mich 341, 352-353; 612 NW2d 407 (2000). There is no specific burden on either party to present evidence of the children's best interests; rather, the trial court should weigh all evidence available. *Id.* at 354.

The strength of the children's bond with the respondent, the time they spent in the respondent's care, and their ages are relevant to the best interests analysis. *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004); *In re AH*, 245 Mich App 77, 89; 627 NW2d 33 (2001). There was evidence that the older child and, to a lesser extent, the younger child, felt attached to respondent. However, their emotions were mixed, which reflected the serious parenting mistakes respondent made. The trial court was also permitted to consider the children's need for permanence when determining whether termination was in their best interests. See *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991). Experts testified that the younger child especially needed stability because of his behavioral and emotional problems. Respondent's actions and her testimony were strong evidence that contact between respondent and her children would cause them further emotional and likely physical pain.

The trial court did not err when it held that termination was not clearly against the children's best interests and terminated respondent's parental rights.

Affirmed.

/s/ Christopher M. Murray

/s/ Peter D. O'Connell

/s/ Alton T. Davis

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<sup>1</sup> MCL 712A.19b(5) was amended effective July 11, 2008, after the termination order in this case was issued, to require that the trial court find termination was in the children's best interests before terminating the respondent's rights. See 2008 PA 199.