

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
January 13, 2011

In the Matter of CHAPPELL, Minors

No. 297445
Wayne Circuit Court
Family Division
LC No. 09-488218

Before: K. F. KELLY, P.J., and GLEICHER and STEPHENS, JJ.

MEMORANDUM.

Respondent appeals as of right an order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(ii) and (g). We affirm.

Respondent argues that the trial court erred by finding clear and convincing evidence in support of the statutory grounds for termination. We disagree. We review the trial court's findings of fact in termination proceedings for clear error. MCR 3.977(K); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). "A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed[.]" *In re BZ*, 264 Mich App 286, 296-297; 690 NW2d 505 (2004). "If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made." MCL 712A.19b(5).

We agree with the trial court's determination that clear and convincing evidence supported termination under MCL 712A.19b(3)(g). This factor requires clear and convincing evidence that a respondent, regardless of intent, does not provide proper care and custody to the minor children and would not be able to do so within a reasonable time, if ever, considering the ages of the children. Here, respondent continued to expose the children to her long-term partner (LTP), even after he perpetuated multiple acts of domestic violence against her and one of the children disclosed that he had sexually abused the child. Respondent also admitted that she beat one of the children, engaged in a high-speed chase with her LTP while one of the minor children was in one of the automobiles, and smoked marijuana frequently. Respondent's contention that these circumstances do not demonstrate a lack of proper care and custody is without merit.¹

¹ Because the trial court need only find one statutory ground for termination pursuant to MCL
(continued...)

The trial court did not err by finding clear and convincing evidence in support of termination and by finding that termination was in the children's best interests.

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Elizabeth L. Gleicher
/s/ Cynthia Diane Stephens

(...continued)

712A.19b(3), we need not consider whether clear and convincing evidence supported the trial court's findings with regard to the other listed grounds for termination. *In re Trejo*, 462 Mich 341, 360; 612 NW2d 407 (2000).