

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of DEVIN COULTER, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DAVID A. COULTER,

Respondent-Appellant,

and

DISHEKIA COULTER,

Respondent.

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UNPUBLISHED

July 12, 2005

No. 259331

Genesee Circuit Court

Family Division

LC No. 03-116582-NA

Before: Cooper, P.J., and Fort Hood and R.S. Gribbs\*, JJ.

MEMORANDUM.

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

The trial court appropriately determined that the statutory grounds for termination had been established by clear and convincing evidence. Moreover, it was not clearly against the child's best interests to terminate respondent-appellant's parental rights. MCR 3.911(J); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). The minor child was brought into the court's custody because his half sister had suffered severe second-degree burns from scalding water in a bathtub. The evidence established that respondent-appellant either placed or forcefully put his stepdaughter in the bathtub by taking her wrists and holding her in scalding hot water. Respondent-appellant was convicted of first-degree child abuse and sentenced to serve ninety-six to 180 months in prison.

The minor child's half-sister suffered severe physical injuries that would require many surgeries in the future as a result of the abuse. She also had significant emotional problems stemming from the incident, including threatening and attempting to commit suicide, attempting

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\* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

to harm the foster mother with a knife, and acting out sexually. The minor child suffered from the abuse as well. He was present when the injuries to his sister took place, and he demonstrated significant emotional trauma from having witnessed it. When he first came into care he would shut down and not make a move for hours, which appeared to be his coping mechanism as the result of witnessing the abuse that occurred in the home.

The trial court also did not clearly err when it allowed petitioner to amend the petition to include MCL 712A.19b(3)(b)(i) and (h) as statutory grounds for termination. Amendment of the petition may be made at any stage of the proceedings, as the ends of justice may require. See MCL 712A.11. The original petition requesting termination listed with specificity all of the allegations of abuse and neglect against respondent-appellant. The court allowed the petition to later be amended to include the fact of respondent-appellant's conviction and sentence and to specify MCL 712A.19b(3)(b)(i) and (h) as grounds for termination. However, these amendments were not made on the basis of additional abuse or neglect, as provided for in MCR 3.973(H), and therefore respondent-appellant's argument that MCR 3.977(F) prohibits terminating his parental rights pursuant to these subsections does not apply.

Affirmed.

/s/ Jessica R. Cooper  
/s/ Karen M. Fort Hood  
/s/ Roman S. Gribbs