

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
July 27, 2010

In the Matter of A. K. M. SCARDO, Minor.

No. 295099
Oakland Circuit Court
Family Division
LC No. 09-756257-NA

In the Matter of A. K. M. SCARDO, Minor.

No. 295100
Oakland Circuit Court
Family Division
LC No. 09-756257-NA

Before: MURRAY, P.J., and DONOFRIO and GLEICHER, JJ.

PER CURIAM.

Respondent mother and respondent father, appeal as of right from the trial court's order terminating their parental rights to the minor child under MCL 712A.19b(3)(j) (reasonable likelihood of harm if child returns to parents' home). Because the trial court did not clearly err in finding clear and convincing evidence to terminate respondents' parental rights under MCL 712A.19b(3)(j), or in finding termination to be in the child's best interests, we affirm.

The trial court did not clearly err in finding clear and convincing evidence to terminate respondents' parental rights to the child under MCL 712A.19b(3)(j). MCR 3.977(E), (J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The child sustained multiple unexplained rib fractures while in respondents' care. Approximately one month before he was brought to the emergency room for dehydration and vomiting, he had a large, discolored bruise, clearly visible in the area of the fractures, in a photo disseminated by respondent mother on the Internet. Respondents clearly should have known to seek medical care for this serious injury. In 2000, respondents had had an infant die in their bed under unexplained circumstances, and the mother had a second infant die in her care previously with the cause reported as Sudden Infant Death Syndrome (SIDS).

The evidence also showed a filthy, unsanitary environment with numerous hazards, including moldy food, uncovered electrical outlets, and a cluttered, dirty home. Respondent

mother had subjected her older children to similar environmental neglect. Their maternal great-grandmother adopted the older children. Respondent mother has received services on more than one occasion. As for respondent father, he allowed the deplorable home conditions to continue and did not aid the physically disabled mother in cleaning the home or finding assistance with child care. Respondent mother had also suffered from mental health conditions, including bipolar disorder, depression, and panic attacks. The evidence clearly and convincingly showed a reasonable likelihood that the child would be harmed if returned to respondents' home. MCL 712A.19b(3)(j).

We also find no clear error in the trial court's determination that termination was in the child's best interests. MCR 3.977(J); MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357, 612 NW2d 407 (2000). The trial court cited the unexplained, untreated rib fractures, the deplorable, unsafe home environment, and respondent mother's history of mental illness and poor parenting with her older children. Further, the trial court noted respondent father's intention to stay with the mother and his inability to keep the home safe for the child. Respondent father testified that if only the mother's rights were terminated, he would have to leave the state, which would mean losing his job and insurance, and that his ability to care for the child would be "very severely diminished." The trial court had no reason to believe that continued court involvement or services would suffice to rectify the conditions that necessitated the child's removal. These findings were not clearly erroneous and were supported by clear and convincing evidence. While respondents claimed love for the child, the evidence overwhelmingly showed that they are and will be unable to provide the safe, clean, stable home the child needs. The record shows that the child has thrived in the placement with his maternal great-grandmother and his siblings. The child's best interests are served by the termination of parental rights. *Id.*

Affirmed.

/s/ Christopher M. Murray
/s/ Pat M. Donofrio
/s/ Elizabeth L. Gleicher