

STATE OF MICHIGAN  
COURT OF APPEALS

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*In re* JACKSON, Minors.

UNPUBLISHED  
February 19, 2015

No. 322618  
Washtenaw Circuit Court  
Family Division  
LC Nos. 2013-000093-NA  
2013-000099-NA

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Before: RIORDAN, P.J., and MURPHY and BOONSTRA, JJ.

PER CURIAM.

Respondent mother appeals as of right the trial court order that termination of her parental rights to her two children, born in 2011 and 2013 respectively,<sup>1</sup> was in their best interests. We affirm.

I. BEST INTEREST

A. STANDARD OF REVIEW

We review for clear error a trial court’s decision regarding a child’s best interests. *In re Rood*, 483 Mich 73, 90; 763 NW2d 587 (2009). “A finding is clearly erroneous if although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made.” *Id.* (quotation marks, citations, and brackets omitted).

B. ANALYSIS

On appeal, respondent challenges the trial court’s best interest findings.<sup>2</sup> In determining the best interest of a child, the trial court may consider the child’s bond to the parent, the parent’s

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<sup>1</sup> Petitioner requested the trial court to enter an order taking jurisdiction over the minor children and terminating respondent’s parental rights under MCL 712A.19b(3)(b)(i), (b)(ii), (g), (i), and (j).

<sup>2</sup> Respondent does not raise any challenge based on the statutory grounds for termination. While respondent alludes to the fact that a “formal” case service plan was not offered to her, she failed to articulate an argument or support it. We will not address cursory arguments with no

parenting ability, the advantages of a foster home over the parent's home, and the child's need for permanency, stability, and finality. *In re Olive/Metts*, 297 Mich App 35, 41-42; 832 NW2d 144 (2012). "[O]nce a statutory ground is established, a parent's interest in the care and custody of his or her child yields to the state's interest in the protection of the child." *In re Foster*, 285 Mich App 630, 635; 776 NW2d 415 (2009).

Here, one of the minor children suffered relatively significant injuries after returning to respondent's care.<sup>3</sup> The minor presented with marks underneath both eyes and along her cheekbones. The doctor described her injuries as follows: "Each side has two larger areas about 2 X 2 cm, well circumscribed areas and a smaller area underneath her right initial lesion." Respondent claimed that the minor fell down the basement stairs. She did not witness the fall but found the minor lying on her back after an indeterminate amount of time. Respondent claimed that she treated the minor's wounds with Neosporin, cocoa butter, and rubbing alcohol. She also claimed that when she applied the rubbing alcohol to the minor's raw skin, it caused the skin to peel off and the minor to cry. She explained that the marks were a little bigger than the tip of a cigarette.<sup>4</sup> Dr. Bethany Mohr concluded that "at a minimum, [the minor's] facial injuries represent neglect" because a child of that age should not be unsupervised near stairs. Dr. Mohr further commented that failing to contact a medical provider after the minor's fall was a "red flag for abuse."

Moreover, the minor's doctors reported that her injuries were not consistent with an accidental fall. Dr. Mohr reported that if the minor had fallen down the stairs, it would be expected that her scalp, forehead, knees, or elbows also would be bruised. Dr. Mohr also explained that one of the lesions was lateral to the minor's nose, which was not consistent with injuries from a fall, nor was the fact that the injuries were bilateral. Thus, the injuries the minor suffered did not appear consistent with a fall. Dr. Mohr remarked on her suspicion that the marks were potential burns.

The fact that respondent was at best neglectful, and at worst abusive, supported the trial court's best interest finding. Further, a respondent's involvement with domestic violence may be considered in the best interest analysis. *In re Jones*, 286 Mich App 126, 131; 777 NW2d 728 (2009). Respondent admitted that she was still in a relationship with the father of the minor

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supporting analysis or law. See *Matter of Toler*, 193 Mich App 474, 477; 484 NW2d 672 (1992) ("A party may not merely announce his position and leave it to us to discover and rationalize the basis for his claim.").

<sup>3</sup> This minor returned to respondent's care in October 2012. A couple of months later, the minor suffered an injury when supposedly falling off of a television stand. The physical injury that precipitated the instant proceedings was observed in April of 2013, although the injury apparently occurred in March of 2013. At the time of the best interest hearing, respondent was on probation for a child abuse conviction regarding this latter incident.

<sup>4</sup> While respondent contends there was no evidence that the injuries were caused from cigarette burns, the trial court assessed the pictures and the evidence. Moreover, even if that specific finding was erroneous, the trial court had ample evidence to conclude that respondent was lying regarding the accidental source of the minor's injuries, as discussed *infra*.

children, despite the fact that he had two domestic violence convictions involving respondent. Respondent also refused to participate in criminal proceedings against the father, as she did not want him to get in trouble. Although respondent may have made progress regarding her relationship with the father, she was not forthcoming about the relationship.

A trial court also may rely on a respondent's history in failing to provide care and custody of the minor children. *In re Archer*, 277 Mich App 71, 76; 744 NW2d 1 (2007). The foster care worker testified that the minor children's safety could not be ensured due to respondent's history of participating in services, securing the return of her children, and subsequently placing them in harm's way. Respondent's rights to five other children have been terminated. Despite these previous proceedings, respondent still seems unable to create a safe environment for her children. She admitted that even during the relatively limited time she was caring for the two children at issue in this case, one of the minors was injured on two separate occasions.

In light of the foregoing, we find that the trial court did not clearly err in finding that termination of respondent's parental rights was in the minor children's best interests. Furthermore, on appeal, respondent merely highlights evidence favorable to her while minimizing or ignoring evidence that termination was in the children's best interest. We find no error warranting reversal.

## II. CONCLUSION

The trial court did not clearly err in finding that termination was in minor children's best interest. We affirm.

/s/ Michael J. Riordan  
/s/ William B. Murphy  
/s/ Mark T. Boonstra