If this opinion indicates that it is "FOR PUBLICATION," it is subject to revision until final publication in the Michigan Appeals Reports.

STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
October 26, 2026
9:16 AM

In re J. V. JAJO, Minor.

No. 374470
Wayne Circuit Court
Family Division
LC No. 2024-001628-NA

Before: PATEL, P.J., and M. J. KELLY and GARRETT, JJ.

PER CURIAM.

Respondent[1] appeals as of right from the trial court's amended order terminating his parental rights to his daughter, JVJ, under MCL 712A.19b(3)(b)(*i*) (physical injury or sexual abuse by parent and reasonable likelihood that child will be harmed if returned to care of the parent), (i) (parental rights to sibling of child terminated because of neglect or abuse and parent has failed to rectify conditions), and (k)(*ix*) (sexual abuse of sibling and reasonable likelihood that child will be harmed if returned to care of the parent).[2] For the reasons stated in this opinion we affirm.

[1] The petition did not name the mother as a respondent, and the mother is not a party to this appeal. Accordingly, we simply refer to respondent-father as "respondent" and nonrespondent mother as "the mother."

[2] When the trial court announced its ruling from the bench, it included MCL 712A.19b(3)(j) (reasonable likelihood of harm if returned to parent's care) as a statutory ground for termination. In its written order, however, it referenced MCL 712A.19b(3)(i) in lieu of MCL 712A.19b(3)(j). When a trial court's oral ruling conflicts with its written order, the latter is controlling. See *Powers v Brown*, 328 Mich App 617, 620 n 1; 939 NW2d 733 (2019) (relying on amount of attorney fees identified in written order, despite conflict with ruling from the bench, because "a court speaks through written judgments and orders rather than oral statements") (cleaned up). Ultimately, the distinction is not material to this appeal because only one statutory ground for termination of

I. BACKGROUND

This case arises from the termination of respondent's parental rights to his daughter, JVJ. Respondent was involved in contentious child-custody proceedings with the mother when Children's Protective Services (CPS) was contacted in July 2024. Respondent and the mother also had a history of prior CPS investigations. JVJ returned to the mother following an extended parenting-time visit with respondent on July 28, 2024, with bruises on her right arm and a scrape on her cheek. The following day, while JVJ was taking a bath, the mother noticed that JVJ had a bruise on her labia. JVJ was taken to Corewell Health Trenton Hospital, where she was examined and referred to Avalon Healing Center. Medical records revealed that JVJ had a bruise on her left labia majora.

JVJ participated in a forensic interview on August 7, 2024, but she did not make any disclosures of sexual abuse. On August 19, 2024, JVJ's half brother, CW, participated in a forensic interview. CW, who had visited respondent's home in the past, made multiple allegations of sexual abuse against respondent.

While CPS staff was investigating the allegations, it attempted to develop a safety plan with respondent and the mother to facilitate respondent's parenting time with JVJ. However, respondent failed to cooperate with petitioner's staff throughout the investigation. Petitioner filed a permanent-custody petition in August 2024. Following an adjudication jury trial and the dispositional hearing, the trial court determined that petitioner had presented clear and convincing evidence of statutory grounds to warrant termination of respondent's parental rights. Following the best-interest phase of the dispositional hearing, the trial court concluded that it was in JVJ's best interests to terminate respondent's parental rights.

After respondent filed his claim of appeal in this Court, he moved to remand the proceedings to the trial court for a *Ginther*[3] hearing. Respondent claimed that he was deprived of the effective assistance of counsel during the lower court proceedings because his trial counsel did not investigate or call an expert witness in the area of forensic interviewing and child suggestibility. Respondent also faulted trial counsel for not calling expert medical witnesses to testify concerning JVJ's injuries. Additionally, respondent claimed that trial counsel's performance was deficient because she did not object to the admission of JVJ's medical records and allowed redacted portions of the medical records to be admitted into evidence.

During the two-day *Ginther* hearing, respondent presented the testimony of Jason Dickinson, Ph.D., an expert in the forensic interviewing of children, who testified extensively regarding forensic-interview protocols. Dr. Dickinson also shared his concern that CW's allegations made during CW's forensic interview were influenced by the mother. Respondent also presented the testimony of Tina Manczuk, R.N., who testified that JVJ's injury to her labia was consistent with an injury occurring during common play or an otherwise nonabusive situation. The

---

parental rights need be established, *In re Ellis*, 294 Mich App 30, 32; 817 NW2d 111 (2011), and we find no error with respect to the remaining statutory grounds found by the trial court.

[3] *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1973).

trial court concluded that counsel's performance did not fall below an objective standard of reasonableness because counsel had formulated and acted on a reasonable trial strategy.

II. INEFFECTIVE ASSISTANCE OF COUNSEL

Respondent first claims that the trial court erred by concluding that respondent was not deprived of the effective assistance of counsel during the lower court proceedings. We disagree.

A. STANDARD OF REVIEW

A claim of ineffective assistance of counsel presents a mixed question of law and fact. *In re LT*, 342 Mich App 126, 133; 992 NW2d 903 (2022). The trial court's factual findings, if any, are reviewed for clear error, and its ultimate determination on the constitutional portion of the claim is reviewed de novo. *Id*. The trial court's factual findings are clearly erroneous if this Court is left with the definite and firm conviction that the trial court made a mistake. *In re Lovitt*, 351 Mich App 237, 243; 34 NW3d 645 (2024).

B. LEGAL PRINCIPLES

Under the Michigan and federal Constitutions, defendants in criminal proceedings are guaranteed the right to counsel. *In re Casto*, 344 Mich App 590, 611; 2 NW3d 102 (2022). "Given the nature of accusations and consequences in child-protective proceedings, this right has been extended to these civil proceedings." *Id*. For a respondent to prevail on a claim of ineffective assistance of counsel, he must demonstrate that trial counsel's performance fell below an objective standard of reasonableness and that he was prejudiced by trial counsel's deficient performance. *Lovitt*, 351 Mich App at 251. It is presumed that a respondent received the effective assistance of counsel, and the respondent bears the burden of proving otherwise. *Casto*, 344 Mich App at 612. This Court refrains from second-guessing counsel on matters of trial strategy or assessing counsel's competence with the benefit of hindsight. *People v Traver*, 328 Mich App 418, 422-423; 937 NW2d 398 (2019).

In *Casto*, this Court addressed counsel's duty to make reasonable investigations:

> In reviewing counsel's performance, this Court must "determine whether the strategic choices were made after less than complete investigation, and any choice is reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation. Counsel always retains the duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." [*Casto*, 344 Mich App at 612, quoting *People v Trakhtenberg*, 493 Mich 38, 52; 826 NW2d 136 (2012).]

Counsel's selection of an expert falls within the ambit of counsel's trial strategy, but counsel's selection must be prefaced by a thorough investigation of the law and facts in a particular case. *Casto*, 344 Mich App at 613. This Court also recognized that counsel's assistance may be characterized as ineffective for the failure to consult with an expert when counsel had " 'neither the education nor the experience necessary to evaluate the evidence and make for [herself] a *reasonable, informed determination* as to whether an expert should be consulted or called to the

stand.' " *Id*., quoting *Trakhtenberg*, 493 Mich at 54 n 9 (alteration in original). This Court also addressed the important nature of expert testimony in child-sexual-abuse cases because of reliability issues related to child suggestibility. *Casto*, 344 Mich App at 613.

C. ANALYSIS

The trial court did not err by concluding that respondent did not establish that trial counsel's performance fell below an objective standard of reasonableness. The record confirms that trial counsel undertook a reasonable investigation of the case *before* making a strategic decision that she would not investigate or call an expert witness on issues such as child suggestibility, forensic interviews, and child memories. Notably, trial counsel approached her investigation of the case with extensive experience working as a child-welfare specialist investigating child abuse and neglect. She possessed specialized knowledge in the area of forensic interviewing after having performed "in the upper hundreds, perhaps thousands" of forensic interviews herself. Trial counsel was familiar with the concepts of child-memory suggestibility, errors in child memory, and coaching after having attended training on forensic-interview protocols. Trial counsel explained that her investigation of the case began by reviewing the CPS report that contained a narrative of JVJ's forensic interview prepared by the CPS investigator. Once trial counsel reviewed JVJ's and CW's forensic interviews, she discussed them with respondent.[4]

Trial counsel did not identify any issues with JVJ's forensic interview. But after reviewing CW's forensic interview, she developed a theory that CW had been influenced by the mother. Trial counsel formulated a trial strategy to challenge the allegations CW made in his forensic interview by cross-examining the forensic interviewer, Nichole King, about specific protocol issues that trial counsel observed while watching the forensic interview. For example, during cross-examination, trial counsel questioned King extensively regarding the protocol during the forensic-interview process. Trial counsel also inquired of King regarding King's "alternative hypothesis" for both JVJ and CW.

During cross-examination, King stated that for JVJ the alternative hypothesis was that "there was a misunderstanding," and for CW the alternative hypothesis was that CW's disclosures stemmed either from a misunderstanding, a malicious report, or a wrong suspect. King confirmed that throughout a forensic interview, it was necessary to test the alternative hypotheses.

During cross-examination, King was asked how she tested the alternative hypotheses for CW. King explained that she tested the alternative hypotheses by asking CW to tell King everything that had happened, including the details that CW had provided. With regard to the alternative hypothesis of the wrong suspect, King testified that because CW had identified two

[4] In challenging the reasonableness of trial counsel's investigation into the case and her choice not to investigate or call an expert witness, respondent points to trial counsel's admission that before viewing the forensic interviews of both JVJ and CW, trial counsel had determined that she would not be calling an expert witness. However, respondent does not acknowledge that trial counsel testified that before she reviewed the actual forensic interviews, she reviewed CPS reports that included a narrative of JVJ's forensic interview and prior forensic interviews of CW.

people as participating in the sexual abuse, FJ and respondent, at the end of the interview King asked CW if the sexual abuse had happened to anyone else as well. King tested the alternative hypothesis of misunderstanding "through [CW's] narrative," and the alternative hypothesis of malicious report was tested when CW asked King why he was there, and she asked CW in response to tell her why CW thought he was in the forensic interview.

Trial counsel also asked King whether children making disclosures of sexual abuse could have been coached. The following exchange took place between trial counsel and King:

> *Q*. You don't dispute that children [c]an be coached, correct?
>
> *A*. I don't dispute that.
>
> *Q*. And they're not coached in front of you?
>
> *A*. Correct.
>
> *Q*. Okay. So you wouldn't be able to identify whether or not a child has been coached or has not been coached, correct?
>
> *A*. In my experience, like I can just go based on that, but no. There's no formal training on to [sic] positively say this child was coached and this child was not.

The record therefore confirms that trial counsel, after conducting a reasonable and thorough investigation of the case guided by her unique experience in forensic-interview protocols, chose to pursue a strategy of challenging the veracity of CW's statements by vigorously cross-examining King. Accordingly, respondent has not overcome the presumption that that trial counsel's performance during the lower court proceedings "was born from a sound trial strategy." *Trakhtenberg*, 493 Mich at 52.

Respondent's claim that trial counsel's performance fell below an objective standard of reasonableness regarding the redaction of the medical records is also without merit. Instead, the record is clear that trial counsel *did* object to the admission of the documents on the basis of references to confirmed sexual abuse of JVJ by respondent. However, the trial court denied the objection and stated that it would redact the records to omit material prejudicial to respondent. Trial counsel testified that she did not object to the portion of the medical records containing a narrative from the mother because the records further supported the defense theory that any statements made were coming from a biased party. Trial counsel also acknowledged that she did not seek redaction of statements in the medical records attributed to the mother in which the mother told the medical professionals that respondent had a history of opioid use because "[t]hat was not an issue to be addressed . . . ." Additional information, such as the mother's statements about respondent, were not redacted "to further highlight the contentiousness between the parties, and specifically the animosity that mom held towards [respondent]." Trial counsel's decisions regarding the redaction of the medical records stemmed from legitimate trial strategy. This Court refrains from second-guessing counsel on matters of trial strategy or assessing counsel's competence with the benefit of hindsight. *Traver*, 328 Mich App at 422-423. Accordingly,

respondent has not established that trial counsel's performance fell below an objective standard of reasonableness.

Similarly, respondent has not overcome the presumption that trial counsel's decision not to call expert medical witnesses at trial resulted from sound trial strategy. The record reflects that trial counsel reviewed the entirety of the medical records before raising an objection to the admission of the portion of the records suggesting confirmed sexual abuse. While trial counsel testified at the *Ginther* hearing that she did not believe the onus was on respondent to call medical experts, she also stated that she did not call a medical professional to testify regarding JVJ's medical records because "there was no specific diagnosis" in the medical records. Trial counsel correctly stated that it was for the jury to give the medical records "whatever weight they wished" in addition to the other evidence presented at trial. Accordingly, respondent has not made the requisite showing that trial counsel's performance fell below an objective standard of reasonableness.[5]

III. JURISDICTION

Respondent next argues that there was insufficient evidence to support the jury's determination that a preponderance of the evidence established jurisdiction over JVJ. We disagree.

A. STANDARD OF REVIEW

In *In re Sluiter*, 351 Mich App 706, 725-726; 36 NW3d 371 (2024), this Court explained the standard of review for a respondent's challenge to the sufficiency of the evidence in an adjudication trial in which the jury concluded that a preponderance of the evidence established jurisdiction over the minor child. Specifically, this Court stated:

> In determining whether sufficient evidence exists to sustain a jury's verdict finding jurisdiction in a child-neglect proceeding, this Court reviews the evidence in the light most favorable to the petitioner, and considers whether there was sufficient evidence to justify a rational trier of fact in finding jurisdiction by a preponderance of the evidence. Because this review is deferential, a reviewing court is required to draw all reasonable inferences and make credibility choices in support of the jury verdict. And it is for the trier of fact, not the appellate court, to determine what inferences may be fairly drawn from the evidence and to determine the weight to be accorded those inferences. [*Id*. at 726 (cleaned up).]

[5] Respondent also argues that trial counsel's assistance was ineffective regarding statements made by petitioner's counsel and the lawyer-guardian ad litem during closing arguments. These claims are deemed abandoned because they were not included in the statement of the questions presented in respondent's brief on appeal. *In re Rippy*, 330 Mich App 350, 362 n 5; 948 NW2d 131 (2019). Accordingly, we decline to address these claims.

B. LEGAL PRINCIPLES

For a trial court to properly exercise jurisdiction, it must first determine that a statutory basis for jurisdiction exists. *In re BZ*, 264 Mich App 286, 295; 690 NW2d 505 (2004). Jurisdiction is established by a preponderance of the evidence, and the fact-finder must conclude that the child falls within the statutory requirements of MCL 712A.2. *In re PAP*, 247 Mich App 148, 152-153; 640 NW2d 880 (2001). The trial court acquires jurisdiction over a minor child by trial, a plea of admission, or a plea of no contest. *Id*. at 153. As respondent did in the present case, a parent may request that a jury decide the facts in the adjudication portion of child-protective proceedings. *Id*. The procedures implemented in adjudication trials protect parents from the risk of the erroneous deprivation of their liberty interest in the management of their child. *In re Brock*, 442 Mich 101, 111; 499 NW2d 752 (1993). When reviewing the sufficiency of the evidence, this Court will not review the evidence to determine what the jury *should have* concluded but instead will focus its inquiry on "which statutory grounds the jury could conclude were established by a preponderance of the evidence." *Sluiter*, 351 Mich App at 728.

Petitioner requested that the trial court take jurisdiction over JVJ under MCL 712A.2(b)(1) and (2). MCL 712A.2 provides, in pertinent part:

> The court has the following authority and jurisdiction:
>
> * * *
>
> (b) Jurisdiction in proceedings concerning a juvenile under 18 years of age found within the county:
>
> (1) Whose parent or other person legally responsible for the care and maintenance of the juvenile, when able to do so, neglects or refuses to provide proper or necessary support, education, medical, surgical, or other care necessary for his or her health or morals, who is subject to a substantial risk of harm to his or her mental well-being, who is abandoned by his or her parents, guardian, or other custodian, or who is without proper custody or guardianship. . . .
>
> * * *
>
> (2) Whose home or environment, by reason of neglect, cruelty, drunkenness, criminality, or depravity on the part of a parent, guardian, nonparent adult, or other custodian, is an unfit place for the juvenile to live in. As used in this [subdivision], "neglect" means that term as defined in section 2 of the child abuse and neglect prevention act, 1982 PA 250, MCL 722.602.

C. ANALYSIS

As an initial matter, respondent argues that petitioner did not present evidence that JVJ was sexually abused or neglected. We acknowledge that King testified that she interviewed JVJ on August 7, 2024, but that JVJ did not make any disclosures of sexual abuse. However, petitioner presented evidence that CW told King during his forensic interview that CW believed that he was at the forensic interview for therapy "because [respondent] had hurt them, referring to [himself]

and [JVJ]." CW stated that respondent had hit JVJ. CW also described in detail how he was sexually abused at the hands of respondent. King also explained that CW told her that CW and JVJ had to watch pornography at respondent's home on more than one occasion with FJ.

While respondent challenges CW's statements on the basis that they did not "bear the hallmarks of reliability," CW's credibility was for the jury to decide. *Sluiter*, 351 Mich App at 727. Additionally, while CW acknowledged that he did not personally see respondent hit JVJ, CW confirmed that JVJ was made to watch pornography with CW and FJ. On the basis of this evidence, the jury could have determined that respondent's home was unfit for JVJ on the basis of depravity on the part of respondent. MCL 712A.2(b)(2).

On the basis of the testimony of Kimberly Eddings, a CPS supervisor, the jury could have determined that respondent was neglectful and would not provide proper or necessary support to JVJ. MCL 712A.2(b)(1). For example, Eddings recalled that as CPS had conducted its approximately 30-day investigation into the allegations of sexual abuse, respondent was not cooperative. Specifically, Eddings testified that she spoke with respondent several times before a team-decision meeting to discuss an appropriate safety plan, and respondent was not agreeable.

On the basis of the mother's testimony, the jury could have concluded that respondent's home was unfit for JVJ because of neglect and depravity. MCL 712A.2(b)(2). The mother testified that after she gave a bath to JVJ on July 29, 2024, she noticed the bruising on JVJ's labia. Additionally, the mother testified that when JVJ returned to the mother on August 25, 2024, following a 10-day visit with respondent, JVJ had a "huge bruise" on the left side of her face and it looked like someone had punched her. JVJ's lip was also bleeding. While respondent characterizes the mother's description of JVJ's injuries as "suspect and dramatic," the jury could have concluded from this evidence that respondent's home was an unfit place for JVJ to live. It was the jury's role to assess and weigh the mother's credibility. *Sluiter*, 351 Mich App at 727.

Respondent is correct that during his testimony he denied any sexual abuse of CW or FJ. Respondent stated that he did not allow children to watch pornography in his home. Respondent denied any abuse of JVJ. For example, respondent acknowledged that JVJ returned to the mother once with injuries on her face, what respondent described as "[p]ossibly playground injuries." Respondent did not recall JVJ receiving any injuries to her arm and legs at his home and stated that JVJ would come to his home from the mother's with injuries. Respondent did not recall JVJ having a bruise on her inner thigh or on her right arm. Again, respondent's denial of any physical or sexual abuse was a credibility determination left to the jury. *Id*. We are satisfied that there was sufficient evidence to support the jury's conclusion that a preponderance of the evidence established statutory grounds for jurisdiction over JVJ as to respondent.

IV. STATUTORY GROUNDS

Respondent next contends that the trial court clearly erred by determining that petitioner had presented clear and convincing evidence of statutory grounds to warrant termination of respondent's parental rights. We disagree.

A. STANDARD OF REVIEW

This Court reviews for clear error a trial court's determination that clear and convincing evidence supports a statutory ground for termination of parental rights. *In re Sanborn*, 337 Mich App 252, 272; 976 NW2d 44 (2021). "A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court's special opportunity to observe the witnesses." *Id*. at 273 (cleaned up). "To be clearly erroneous, a decision must be more than maybe or probably wrong." *In re Ellis*, 294 Mich App 30, 33; 817 NW2d 111 (2011). We defer to the trial court's "special opportunity . . . to judge the credibility of the witnesses who appeared before it." *Id*.

B. LEGAL BACKGROUND

"To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been proved by clear and convincing evidence." *In re Pederson*, 331 Mich App 445, 472; 951 NW2d 704 (2020) (cleaned up). Evidence is clear and convincing if it "produces in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established, evidence so clear, direct and weighty and convincing as to enable [the factfinder] to come to a clear conviction, without hesitancy, of the truth of the precise facts in issue." *In re Martin*, 450 Mich 204, 227; 538 NW2d 399 (1995) (cleaned up; alteration in original).

MCL 712A.19b(3) provides, in pertinent part:

> (3) The court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, 1 or more of the following:
>
> * * *
>
> (b) The child or a sibling of the child has suffered physical injury or physical or sexual abuse under 1 or more of the following circumstances:
>
> (*i*) The parent's act caused the physical injury or physical or sexual abuse and the court finds that there is a reasonable likelihood that the child will suffer from injury or abuse in the foreseeable future if placed in the parent's home.
>
> * * *
>
> (k) The parent abused the child or a sibling of the child, the abuse included 1 or more of the following, and there is a reasonable likelihood that the child will be harmed if returned to the care of the parent:
>
> * * *
>
> (*ix*) Sexual abuse as that term is defined in section 2 of the child protection law, 1975 PA 238, MCL 722.622.

C. ANALYSIS

The trial court did not err by concluding that petitioner had presented clear and convincing evidence of statutory grounds to warrant termination of respondent's parental rights under MCL 712A.19b(3)(b)(*i*) and (k)(*ix*).[6] The evidence established that respondent had physically abused JVJ and sexually abused CW and it was reasonably likely that JVJ would be sexually abused in the foreseeable future if placed in respondent's home.

King testified regarding CW's extensive allegations of sexual abuse by respondent. King explained that CW told her that CW and JVJ had to watch pornography at respondent's home on more than one occasion with FJ. Eddings testified that as CPS had conducted its approximately 30-day investigation, respondent was not cooperative. On July 28, 2024, the mother documented bruising on JVJ's arms and legs. The mother described these bruises as the "typical bruising" that JVJ would have when she returned home to the mother, from "grabs on the arms, legs, thighs." JVJ also had a fresh 2½-inch scratch to her face. The following day, July 29, 2024, the mother noticed the bruising on JVJ's labia.

The medical records from Corewell Health confirmed that medical staff performed a visual exam of JVJ's genital area. The medical records stated: "There is a 3 x 1 cm dark purple area of ecchymosis in the perineal region in the crease adjacent to the left labia majora. Vaginal and rectal exam deferred." Similarly, the medical records from Avalon revealed that JVJ had a "5.5 cm x 3 cm yellow/purple linear bruise to [her] left labia majora." The injury log from the Avalon medical records also confirmed that JVJ had a "3 cm X 0.5 cm red linear abrasion, right upper cheek." The injury log also stated that JVJ had a "5 cm X 3 cm yellow/brown circular patterned bruise right forearm."

On the basis of the foregoing clear and convincing evidence, we are not left with a definite and firm conviction that the trial court made a mistake in determining that statutory grounds to warrant termination of respondent's parental rights were established under MCL 712A.19b(3)(b)(*i*) and (k)(*ix*). Respondent categorically denied any allegations of sexual assault and challenges CW's forensic interview as lacking corroboration and being rife with inconsistencies. We defer to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it. *Ellis*, 294 Mich App at 33.

D. ANTICIPATORY NEGLECT

Respondent also challenges the trial court's reliance on the doctrine of anticipatory neglect in concluding that it was reasonably likely that JVJ would be harmed and abused if returned to respondent's care. Respondent specifically asserts that JVJ and CW were "in different situations" regarding their respective relationships with respondent and the influences to which they were subjected. "The doctrine of anticipatory neglect provides that how a parent treats one child is probative of how that parent may treat other children." *In re Mota*, 334 Mich App 300, 323; 964

[6] As noted earlier, only one statutory ground for termination of respondent's parental rights need be established. *In re Ellis*, 294 Mich App at 32. We decline to address MCL 712A.19b(3)(i) or (j).

NW2d 881 (2020). However, the probative value of the inference is decreased "by differences between the children, such as age and medical conditions." *In re Kellogg*, 331 Mich App 249, 259; 952 NW2d 544 (2020). See also *In re Boshell/Shelton Minors*, ___ Mich App ___, ___; ___ NW3d ___ (2025) (Docket No. 371973); slip op at 5-6 (recognizing that the doctrine of anticipatory neglect was not applicable to support the trial court's jurisdiction over the respondent's male children because of the difference in the male children's living situation from the respondent's female children).

More recently, in *In re C Pacyga, Minor*, ___ Mich App ___, ___; ___ NW3d ___ (2026) (Docket No. 375267); slip op at 14, this Court observed that the probative value of evidence under the anticipatory neglect doctrine does not mean that such evidence is dispositive or conclusive. Rather, the "probative *value* of the evidence in question depends on the circumstances of each individual case." *Id*. at ___; slip op at 14. This Court cautioned that "significant constitutional questions" would be implicated if the past misconduct of a respondent, "standing alone and without evidence of its continuing effect on a respondent's current fitness to parent," could be relied on as the sole grounds for terminating the respondent's parental rights in a new and separate case. *Id*. at ___; slip op at 14. This Court recognized that the probative value of evidence under the doctrine of anticipatory neglect "is significantly decreased by the passage of time, change in circumstances, and respondent's rehabilitative progress." *Id*. at ___; slip op at 14.

The record shows that the trial court considered the similarities between CW and JVJ, with both being minor children who shared a relationship marked by trust with respondent. Stated another way, unlike the facts of *Pacyga*, *id*. at ___; slip op at 14, the record does not reflect that the trial court relied only on respondent's past misconduct in determining that JVJ faced a reasonable likelihood of sexual abuse if returned to respondent's care. Accordingly, we are not persuaded that the trial court erred by relying on the doctrine of anticipatory neglect in determining that clear and convincing evidence of statutory grounds was presented.

V. BEST-INTEREST DETERMINATION

Finally, respondent contends that the trial court clearly erred by determining that it was in JVJ's best interests to terminate his parental rights. We disagree.

A. STANDARD OF REVIEW

We review a trial court's decision that termination is in a child's best interests for clear error. *In re Atchley*, 341 Mich App 332, 346; 990 NW2d 685 (2022).

B. LEGAL PRINCIPLES

"If a trial court finds that a statutory basis for terminating parental rights exists by clear and convincing evidence, it is required to terminate parental rights if it finds from a preponderance of evidence on the whole record that termination is in the children's best interests." *In re Brown/Kindle/Muhammad Minors*, 305 Mich App 623, 637; 853 NW2d 459 (2014) (cleaned up); see also MCL 712A.19b(5). The focus of the best-interest determination is on the child, not the parent. *In re Moss*, 301 Mich App 76, 88; 836 NW2d 182 (2013). "[A]t the best-interest stage, the child's interest in a normal family home is superior to any interest the parent has." *Id*. at 89.

"The trial court should weigh all the evidence available to determine the child[]'s best interests," and it should consider a variety of factors, including "the child's bond to the parent, the parent's parenting ability, the child's need for permanency, stability, and finality, and the advantages of a foster home over the parent's home." *In re White*, 303 Mich App at 713 (cleaned up). Other relevant factors include "a parent's history of domestic violence, the parent's compliance with his or her case service plan, the parent's visitation history with the child, the children's well-being while in care, and the possibility of adoption." *Id*. at 714. A child's safety and well-being and the risk a child might face if returned to the parent's care are also relevant to the best-interest determination. *In re VanDalen*, 293 Mich App 120, 141-142; 809 NW2d 412 (2011).

Because a child's placement with a relative militates against termination, see MCL 712A.19a(8)(a), "the fact that a child is living with relatives when the case proceeds to termination is a factor to be considered in determining whether termination is in the child's best interests." *In re Olive/Metts Minors*, 297 Mich App 35, 43; 823 NW2d 144 (2012). "Relative," as defined by MCL 712A.13a(1)(j)(*i*), has been interpreted to include biological parents. *In re Boshell/Shelton*, ___ Mich App ___, ___; ___ NW3d ___ (2025) (Docket No. 371973); slip op at 10.

C. ANALYSIS

We are not persuaded that the trial court's determination regarding JVJ's best interests was not supported by a preponderance of the evidence. For example, the trial court's stated concerns regarding respondent's ability to parent JVJ were supported by the record. CW disclosed that he was sexually abused by respondent when he was five years old. Similarly, CW recounted that respondent had hurt JVJ and had hit JVJ. CW recounted that JVJ was made to watch pornography with JVJ and FJ. During the interview with the clinician for the best-interest assessment, JVJ stated that respondent had hurt her and had hit her on her face and private parts. JVJ reported having secrets with respondent and did not want to talk about him during the interview.

The trial court's determination that JVJ and respondent did not share a bond was also supported by the evidence. For example, the record reflected that JVJ did not wish to talk about respondent during the interview with the clinician for the best-interest assessment. The trial court also acknowledged that respondent failed to take any responsibility for his actions and was not cooperative in working with petitioner and complying with any requirements that would be imposed on him to allow him to reunify with JVJ. A preponderance of the evidence supported the trial court's determination, as Eddings testified that respondent was not cooperative with petitioner and refused supervised parenting time with JVJ. The interview with the clinician for the best-interest assessment also revealed that respondent disclaimed any responsibility for his involvement in the child-protective proceedings and held the mother solely responsible.

The trial court also considered JVJ's need for permanency, stability, and finality, determining that these needs would be satisfied by JVJ remaining in the mother's care. The evidence supported the trial court's finding, as JVJ's interview with the clinician during the best-

interest assessment reflected that JVJ was happy, thriving, and looking forward to starting preschool. The trial court's determination that JVJ's best interests would be served by terminating respondent's parental rights is well supported by a preponderance of the evidence.

Affirmed.

/s/ Sima G. Patel
/s/ Michael J. Kelly
/s/ Kristina Robinson Garrett