

STATE OF MICHIGAN
COURT OF APPEALS

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In re FIELDS, Minors.

No. 379588
Wayne Circuit Court
Family Division
LC No. 2023-000855-NA

Before: CAMERON, P.J., and MALDONADO and WALLACE, JJ.

PER CURIAM.

At the heart of this case is the issue of whether it is in the best interests of three minor children, all under the age of 7, to have their father’s parental rights terminated when the evidence indicates that he sexually assaulted their mother’s 16-year-old niece, while the children were sleeping in the home, following respondent’s release from prison after 20 years for the sexual assault of his then girlfriend’s 11-year-old daughter that resulted in her pregnancy, and the sexual assault of another female relative of his then girlfriend who was under the age of 13 at the time. The trial court found that, due to the risk of harm to each of the minor children, who were similarly situated, it was in the best interests of each of the children to terminate their father’s parental rights. We strongly agree.

Respondent father appeals as of right the trial court order terminating his parental rights to his three minor children, AF, EF, and IF, entered after a separate best-interests hearing.¹ This case returns to this Court after a prior remand in which the trial court was tasked with determining whether petitioner, the Department of Health and Human Services, established statutory grounds for termination under MCL 712A.19b(3), and if so, for the court to state on the record or in writing its findings of fact and conclusions of law and to proceed to determine whether termination was in the children’s best interests. *In re Fields Minors*, unpublished per curiam opinion of the Court of Appeals, issued August 29, 2025 (Docket No. 370646), p 6. On remand, the trial court held that petitioner established by clear and convincing evidence that statutory grounds for termination

¹ The children’s mother was not a respondent in this matter and is not a party to this appeal.

existed under MCL 712A.19b(3)(j) (risk of harm to children if returned to parent). The court then held a separate best-interests hearing and determined that termination of respondent's parental rights was in the best interests of the children. Respondent appeals the best-interests determination only, arguing that termination was not in the children's best interests given their strong bond to respondent and his consistent, appropriate visits. We affirm.

I. FACTUAL BACKGROUND AND PROCEDURAL HISTORY

This case arises from sexual-assault allegations against respondent in 2023, by GS, the niece of the children's mother, when GS was 16 years old and living part-time with respondent; the children's mother, Ashley Fields; and the minor children. *In re Fields Minors*, unpub op at 1-2. When GS filed a police report and Children's Protective Services investigated the case, respondent denied the allegations but admitted he was convicted of second-degree criminal sexual conduct (CSC-II), MCL 750.520c(1)(a) (person under 13) in 1993, and first-degree criminal sexual conduct (CSC-I), MCL 750.520b(1)(a) (person under 13) in 1995, the latter of which involved respondent sexually assaulting and impregnating the above-referenced 11-year-old child. *Id.* at 2. Defendant was imprisoned for 20 years for the CSC-I conviction. *Id.* When a petition was filed to terminate respondent's parental rights at initial disposition, the trial court found there were grounds for the children to be temporary wards and dismissed the permanent custody petition. *Id.* at 3-4.

Petitioner argued in the initial appeal that the trial court failed to comply with MCR 3.977(I), which requires the court to state on the record or in writing its findings of fact and conclusions of law. *Id.* at 4. This Court agreed, concluding that the trial court never provided findings of fact or conclusions of law to allow respondent to retain his parental rights and merely announced its dismissal of the petition, apparently concluding there were no statutory grounds to terminate under MCL 712A.19b(3). *Id.* The case was accordingly remanded for the trial court to determine whether petitioner established statutory grounds for termination, to state its findings of fact and conclusions of law, and to proceed to a best-interests hearing, if applicable. *Id.* at 6.

On remand, the trial court concluded that petitioner proved by clear and convincing evidence that statutory grounds existed to terminate respondent's parental rights under MCL 712A.19b(3)(j), because a substantial risk of harm existed if the children were returned to respondent's care. The court found GS's sworn testimony credible, and that respondent's two prior CSC convictions made it highly likely that he would continue to engage in inappropriate sexual behaviors with minor children. The trial court then held a separate best-interests hearing, in which the case worker, Fields, and respondent all testified. Respondent was currently living in a rehabilitation facility and was temporarily unable to walk, having incurred a blood infection after surgery. All three witnesses testified that respondent had a strong bond with the children. He completed a case-service plan and never missed any visitation. He was appropriate and loving toward the children. However, he was set to stay in the rehabilitation facility another three to six months before moving into an assisted-living facility, and both the case worker and Fields acknowledged the safety concern to the children based on respondent's criminal history and more-recent sexual assault of GS. The trial court agreed and concluded that termination of respondent's parental rights was in the children's best interests.

II. ANALYSIS

The trial court properly held that termination of respondent's parental rights was in the children's best interests.

This Court reviews a trial court's determination that termination of parental rights is in a child's best interests for clear error. *In re MJC*, 349 Mich App 42, 61; 27 NW3d 122 (2023). "A circuit court's decision to terminate parental rights 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 and citation omitted). The best-interests determination must be supported by a preponderance of the evidence, and regard must be given to the special opportunity of the trial court to judge the credibility of witnesses. *Id.*

"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). "The focus of the best-interests inquiry is on the child, not the parent." *In re MJC*, 349 Mich App at 62.

The trial court may consider various factors when making its best-interests determination, including the child's bond with the parent; the parent's parenting ability; and the child's need for permanency, stability, and finality. Other factors that the court may consider include the parent's history, the parent's psychological evaluation, the age of the child, and a parent's substance-abuse history. The court may also consider whether the parent can provide a permanent, safe, and stable home. Additionally, the court may consider the parent's compliance with his or her case service plan, the parent's visitation history with the child, the child's well-being while in care, and the possibility of adoption. [*Id.* (quotation marks, citations, and brackets omitted).]

The trial court's findings of fact on these factors need not be extensive. *Id.* "Brief, definite, and pertinent findings and conclusions on contested matters are sufficient." MCR 3.977(I)(1).

"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 NW2d 881 (2020). This Court has not limited application of the doctrine to situations in which the abused child is a sibling of the child to whom the respondent risks having his or her parental rights terminated. The doctrine has been applied when the abused child is not the respondent's child, *id.*, and to hold otherwise would be contrary to the purpose of child protective proceedings, i.e., to protect children, *In re Brock*, 442 Mich 101, 107; 499 NW2d 752 (1993).

The trial court did not clearly err in its conclusion that termination of respondent's parental rights was in the best interests of his minor children, AF, EF, and IF. The court properly considered the strong bond respondent had with the children, *In re MJC*, 349 Mich App at 62, which was confirmed by all three witnesses who testified at the hearing. The case worker also testified that respondent completed a case-service plan and never missed visitation with the children. His visits and interactions with the children were loving and appropriate. However, respondent's parenting

ability was hindered by his current circumstance of being in one long-term rehabilitation facility and moving to another. *Id.* Respondent anticipated being in the rehabilitation facility another three to six months and then moving to assisted living. He conceded that he could not provide for the children's basic needs in terms of food, clothing, and shelter. He hoped to have a home and stable income within two to five years.

Conversely, the children have always lived with their mother, who respondent admitted provided a permanent, stable home. Generally, "[a] child's placement with relatives is a factor that the trial court is required to consider when making its best-interests determination, and a child's placement with relatives weighs against termination." *In re Mota*, 334 Mich App at 321 (quotation marks and citations omitted). However, a child's biological parent is not that child's "relative" for purposes of MCL 712A.13a(1)(j), *id.* at 322, which defines that term as

an individual who is at least 18 years of age and related to the child by blood, marriage, or adoption, as grandparent, great-grandparent, great-great-grandparent, aunt or uncle, great-aunt or great-uncle, great-great-aunt or great-great-uncle, sibling, stepsibling, nephew or niece, first cousin or first cousin once removed, and the spouse of any of the above, even after the marriage has ended by death or divorce.

The trial court did not clearly err by also considering respondent's criminal history in its best-interests determination. See *In re MJC*, 349 Mich App at 62. Respondent had two previous CSC convictions. They involved impregnating an 11 year old child, for which respondent served 20 years in prison, and another minor female under the age of 13. According to respondent's own testimony in this case, both incidents involved minor relatives of respondent's then girlfriend with whom he cohabitated (one child was her daughter and respondent believed the other child was her cousin). After being released, respondent sexually assaulted GS, a minor and cousin to his own children, in his children's home.² *In re Fields Minors*, unpub op at 1-2. Under the doctrine of anticipatory neglect, the court was free to consider that how respondent treats other children is probative of how he would treat his own children. *In re Mota*, 334 Mich App at 323. The fact that GS was not respondent's own child or a sibling to his children did not matter. See *id.* at 304, 323 (where the respondent abused a half-sibling of his children who was not his own biological child, the doctrine nonetheless applied). GS lived with respondent, Fields, and the children part-time to attend school, and felt close to respondent as her "real uncle," and, as previously noted, the abuse happened in the home. *In re Fields Minors*, unpub op at 1-2. Additionally, the fact that AF is male and respondent's victims were female does not change the outcome. See *In re Mota*, 334 Mich App at 323 ("[T]here is nothing in the record to support respondent's pseudo-psychological argument that he is not a danger to young boys—abuse is abuse."). Finally, the evidence shows that respondent has shown a pattern of using his proximity to, and familiarity with, young children related to his cohabitating domestic partners in order to sexually abuse them. Thus, the trial court did not clearly err in its conclusion that the risk to the children's safety outweighed the other

² GS testified that the children were sleeping in their own beds at the time she was assaulted in the living room of the home, while sleeping on an air-mattress.

factors, and termination of respondent's parental rights was in the children's best interests. *In re MJC*, 349 Mich App at 62.

Affirmed.

/s/ Thomas C. Cameron

/s/ Allie Greenleaf Maldonado

/s/ Randy J. Wallace