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STATE OF MICHIGAN

COURT OF APPEALS

In re VANCONANT/WILLIAMS, Minors.

UNPUBLISHED
November 18, 2021

No. 356521
St. Clair Circuit Court
Family Division
LC No. 20-000127-NA

In re WILLIAMS, Minors.

No. 356522
St. Clair Circuit Court
Family Division
LC No. 20-000127-NA

Before: BORRELLO, P.J., and JANSEN and BOONSTRA, JJ.

PER CURIAM.

In Docket No. 356521, respondent-mother appeals by right the trial court's order terminating her parental rights to her minor children, HV and IW, under MCL 712A.19b(3)(b)(*ii*) (failure to prevent injury or abuse), (b)(*iii*) (nonparent caused injury or abuse), (g) (failure to provide proper care or custody), (j) (reasonable likelihood of harm), and (k)(*iii*) (parent battered, tortured, or severely physically abused child or sibling). In Docket No. 356522, respondent-father appeals by right the trial court's order terminating his parental rights to his minor children, MW, DW and IW under MCL 712A.19b(3)(b)(*i*) (parent caused injury or abuse), (b)(*iii*), (g), (j), and (k)(*iii*).[1] This Court consolidated these appeals.[2] For the reasons discussed below, we affirm.

[1] Respondents are the parents of another minor child born during the proceedings below. Their parental rights to that child were not addressed in the trial court's order and are not an issue on appeal. MW and DW's mother, and HV's father, were not respondents below; the status of their parental rights is not an issue on appeal.

[2] *In re Vanconant/Williams Minors*, unpublished order of the Court of Appeals, entered March 16, 2021 (Docket Nos. 356521; 356522).

I. PERTINENT FACTS AND PROCEDURAL HISTORY

On July 2, 2020, petitioner filed a petition requesting that the trial court take jurisdiction over the children and terminate respondents' parental rights. Petitioner alleged that respondent-mother had a history of missing medical appointments and not seeking proper medical care for the children; further, on November 28, 2019, an investigation into respondent-mother was substantiated for medical neglect, physical neglect, and improper supervision for failing to take HV to see a urologist or keep the scheduled surgery time for his undescended testicle. Petitioner also alleged that on November 16, 2018, respondent-mother failed to take the proper steps for HV to have a staple removed from his head for an injury caused by respondent-father dropping a can on his head. Petitioner alleged that respondent-mother had failed to keep multiple medical appointments for HV, including six no-show appointments for HV since 2015. Petitioner also alleged that, on May 27, 2020, respondent-mother reported to HV's father (TV) that HV had hurt his left leg; although respondent-mother told TV that she took HV to a hospital, there were no records of him being seen at McLaren Hospital, Lake Huron Medical Center, or his pediatrician's office. According to petitioner, respondents were interviewed by Child Protective Services (CPS) and provided conflicting stories regarding HV's injury; HV disclosed during his appointment with an orthopedic specialist that respondent-father had thrown him against a door. Physical abuse was suspected on the basis of the x-ray findings, HV's disclosure, and respondent-mother's delay in seeking medical treatment. Amended petitions adding additional jurisdictional information were later filed in both cases.

At the preliminary hearing, respondents waived probable cause and the petition was authorized. All of the children were placed with relatives. On July 23, 2020, a pretrial hearing was held. Respondents both denied the allegations contained in the petition and a bench trial was scheduled.

At the bench trial, evidence was presented that respondent-mother had lied about obtaining medical care for HV, who had suffered a fractured tibia at the hands of respondent-father. TV testified that after learning of the injury he took HV to the hospital, where HV told a nurse that respondent-father had caused the injury. HV made a similar statement in front of a CPS investigator. There was also evidence that respondent-father had previously abused DW, for which he had been convicted of attempted third-degree child abuse, and that respondent-mother had previously failed to seek proper medical care for HV.

After the bench trial, the trial court terminated respondents' parental rights to all of the children. These appeals followed.

II. DOCKET NO. 356521

In Docket No. 356521, respondent-mother argues that (1) petitioner failed to make reasonable reunification efforts despite its obligation to do so in this case, (2) petitioner failed to prove by clear and convincing evidence that statutory grounds for termination existed, and (3) petitioner failed to prove by a preponderance of the evidence that termination of her parental rights was in the best interests of HV and IW. We disagree in all respects.

A. REUNIFICATION EFFORTS

Respondent-mother first argues that petitioner was required to make reasonable reunification efforts before seeking termination of her parental rights. We disagree.

To preserve a claim that petitioner failed to provide adequate services, a respondent must object or indicate that the services are somehow inadequate. *In re Frey*, 297 Mich App 242, 247; 824 NW2d 569 (2012). In this case, respondent-mother was not provided any reunification services, but she did not object or argue below that she was entitled to reunification efforts. Therefore, this issue is unpreserved. See also *In re VanDalen*, 293 Mich App 120, 135; 809 NW2d 412 (2011) (stating that a respondent's failure to object before the trial court fails to properly preserve an issue for appellative review). This Court reviews unpreserved claims for plain error affecting substantial rights. *In re Beers*, 325 Mich App 653, 677; 926 NW2d 832 (2018). "Generally, an error affects substantial rights if it caused prejudice, i.e., it affected the outcome of the proceedings." *In re Utrera*, 281 Mich App 1, 9; 761 NW2d 253 (2008). We review de novo issues of statutory interpretation. *In re McEvoy*, 267 Mich App 55, 59; 704 NW2d 78 (2005).

"Reasonable efforts to reunify the child and family must be made in all cases except those involving aggravated circumstances under MCL 712A.19a(2)." *In re Rippy*, 330 Mich App 350, 355; 948 NW2d 131 (2019), citing *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010). MCL 712A.19a(2) provides that

> Reasonable efforts to reunify the child and family must be made in all cases except if any of the following apply:
>
> (a) There is a judicial determination that the parent has subjected the child to aggravated circumstances as provided in section 18(1) and (2) of the child protection law, 1975 PA 238, MCL 722.638.
>
> (b) The parent has been convicted of 1 or more of the following:
>
> (*i*) Murder of another child of the parent.
>
> (*ii*) Voluntary manslaughter of another child of the parent.
>
> (*iii*) Aiding or abetting in the murder of another child of the parent or voluntary manslaughter of another child of the parent, the attempted murder of the child or another child of the parent, or the conspiracy or solicitation to commit the murder of the child or another child of the parent.
>
> (*iv*) A felony assault that results in serious bodily injury to the child or another child of the parent.
>
> (c) The parent has had rights to the child's siblings involuntarily terminated and the parent has failed to rectify the conditions that led to that termination of parental rights.
>
> (d) The parent is required by court order to register under the sex offenders registration act.

Further, MCL 722.638(1) directs petitioner to petition the court to take jurisdiction over a child if one or more of the following conditions apply:

> (a) The department determines that a parent, guardian, or custodian, or a person who is 18 years of age or older and who resides for any length of time in the child's home, has abused the child or a sibling of the child and the abuse included 1 or more of the following:
>
> (*i*) Abandonment of a young child.
>
> (*ii*) Criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate.
>
> (*iii*) Battering, torture, or other severe physical abuse.
>
> (*iv*) Loss or serious impairment of an organ or limb.
>
> (*v*) Life threatening injury.
>
> (*vi*) Murder or attempted murder.
>
> (b) The department determines that there is risk of harm, child abuse, or child neglect to the child and either of the following is true:
>
> (*i*) The parent's rights to another child were terminated as a result of proceedings under section 2(b) of chapter XIIA of 1939 PA 288, MCL 712A.2, or a similar law of another state and the parent has failed to rectify the conditions that led to the prior termination of parental rights.
>
> (*ii*) The parent's rights to another child were voluntarily terminated following the initiation of proceedings under section 2(b) of chapter XIIA of 1939 PA 288, MCL 712A.2, or a similar law of another state, the parent has failed to rectify the conditions that led to the prior termination of parental rights, and the proceeding involved abuse that included 1 or more of the following:
>
> (A) Abandonment of a young child.
>
> (B) Criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate.
>
> (C) Battering, torture, or other severe physical abuse.
>
> (D) Loss or serious impairment of an organ or limb.
>
> (E) Life-threatening injury.
>
> (F) Murder or attempted murder.
>
> (G) Voluntary manslaughter.

(H) Aiding and abetting, attempting to commit, conspiring to commit, or soliciting murder or voluntary manslaughter.

MCL 722.638(2) directs petitioner to request the termination of parental rights at the initial dispositional hearing "if a parent is a suspected perpetrator or is suspected of placing the child at an unreasonable risk of harm due to the parent's failure to take reasonable steps to intervene to eliminate that risk."

MCR 3.977(E) instructs a trial court regarding when termination of parental rights at the initial dispositional hearing is permissible, and provides:

> The court shall order termination of the parental rights of a respondent at the initial dispositional hearing held pursuant to MCR 3.973, and shall order that additional efforts for reunification of the child with the respondent shall not be made, if
>
> (1) the original, or amended, petition contains a request for termination;
>
> (2) at the trial or plea proceedings, the trier of fact finds by a preponderance of the evidence that one or more of the grounds for assumption of jurisdiction over the child under MCL 712A.2(b) have been established;
>
> (3) at the initial disposition hearing, the court finds on the basis of clear and convincing legally admissible evidence that had been introduced at the trial or plea proceedings, or that is introduced at the dispositional hearing, that one or more facts alleged in the petition:
>
> (a) are true, and
>
> (b) establish grounds for termination of parental rights under MCL 712A.19b(3)(a), (b), (d), (e), (f), (g), (h), (i), (j), (k), (l), or (m);
>
> (4) termination of parental rights is in the child's best interests.

In this case, petitioner sought termination of respondent-mother's parental rights at the initial dispositional hearing. The petitions alleged that respondent-mother had failed to take HV to medical appointments, including surgery for an undescended testicle and to remove a staple from his head. Respondent-father had been previously charged with third-degree child abuse for spanking DW, leaving severe bruising to the buttocks.[3] Respondents gave conflicting accounts of how HV had injured his leg. HV had reported that respondent-father threw him against a door, and a medical expert had determined on the basis of the history, the x-ray findings, HV's disclosure, and the delay in seeking medical treatment, that physical abuse was suspected. While petitioner did not expressly refer to MCL 722.638, it is clear that the petitions filed in respondent-mother's case alleged that a non-parent guardian or adult household member had severely abused

[3] The petitions incorrectly stated that it was MW, rather than DW, who was the subject of the prior spanking incident.

HV, MCL 722.638(1)(a)(*iii*). Further, the amended petitions specifically sought termination under MCL 712A.19b(3)(b)(*i*), (b)(*ii*), (b)(*iii*), and (k)(*iii*), all of which involve severe physical abuse.

Following a bench trial, the trial court adopted the referee's findings regarding jurisdiction, including that HV was injured while in respondents' care and did not receive medical treatment for six to nine days, that HV's condition would have been quite painful during that period, that HV identified respondent-father as causing his injury by throwing him off a bed, that HV's needs were neglected in order to cover up a nonaccidental injury, and that respondents could not be trusted to provide necessary care for their children. The referee further found by a preponderance of the evidence that HV had suffered nonaccidental trauma while in respondents' care and that the other children were at risk, particularly given respondent-father's prior physical abuse of DW. Based on these findings, the trial court found that statutory grounds for termination were established by clear and convincing evidence under MCL 712A.19b(3)(b)(*ii*), (b)(*iii*), (g), (j), and (k)(*iii*). The trial court also adopted the referee's conclusion that termination of respondent-mother's parental rights was in the best interests of HV and IW.

In light of these findings, the trial court satisfied the requirements of MCR 3.977(E) and MCL 722.638. *McEvoy*, 267 Mich App at 59. The trial court determined that HV had suffered severe physical abuse; therefore, HV and his sibling, IW, were subjected to aggravated circumstances. MCL 722.638(1) and (2). Thus, petitioner was not required to make efforts to reunite respondent-mother with her children. Accordingly, respondent-mother has not established plain error affecting her substantial rights. See *Rippy*, 330 Mich App at 357-359.

B. STATUTORY GROUNDS FOR TERMINATION

Respondent-mother also argues that petitioner failed to prove by clear and convincing evidence that grounds existed for terminating her parental rights.[4] We disagree.

[4] We note that respondent-mother's appellate brief is deficient in certain formal respects. In her statement of the questions involved on appeal, respondent-mother only challenges the trial court's finding that grounds for termination existed under MCL 712A.19b(3)(g) and (j). In the relevant heading preceding her argument, respondent-mother makes reference to the grounds for termination found in MCL 712A.19b(3)(c)(*i*), which were not a basis for the trial court's termination decision. In the actual text of her argument, respondent-mother cites the correct grounds for termination cited by the trial court, but makes the same argument—that she did not abuse any of her children and there was not a history of abuse by respondent-father that she should have recognized—for all, without specific reference to the language of the relevant subsections or citation to legal authority. We could arguably consider respondent to have abandoned or failed to present appellate arguments on at least some of the statutory grounds for termination cited by the trial court. See MCR 7.212(C)(5); *Mich Ed Ass'n v Secretary of State*, 280 Mich App 477, 488; 761 NW2d 234 (2008); *Bronson Methodist Hosp v Mich Assigned Claims Facility*, 298 Mich App 192, 199; 826 NW2d 197 (2012). Nonetheless, in light of the importance of the issues involved, and because the record before us is sufficiently detailed, we will review the trial court's decision and consider the statutory grounds upon which that decision was based. *LME v ARS*, 261 Mich

"To terminate parental rights, a 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 Brown/Kindle/Muhammad*, 305 Mich App 623, 635; 853 NW2d 459 (2014) (quotation marks and citation omitted). "This Court reviews for clear error the trial court's factual findings and ultimate determinations on the statutory grounds for termination. The trial court's factual findings are clearly erroneous if the evidence supports them, but we are definitely and firmly convinced that it made a mistake." *In re White*, 303 Mich App 701, 709-710; 846 NW2d 61 (2014) (citations omitted). "A reviewing court must defer to the special ability of the trial court to judge the credibility of witnesses." *In re LaFrance*, 306 Mich App 713, 723; 858 NW2d 143 (2014).

The trial court found that termination of respondent-mother's parental rights was warranted under MCL 712A.19b(3)(b)(*ii*), (b)(*iii*), (g), (j), and (k)(*iii*), which provide:

> (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:
>
> * * *
>
> (*ii*) The parent who had the opportunity to prevent the physical injury or physical or sexual abuse failed to do so and the court finds that there is a reasonable likelihood that the child will suffer injury or abuse in the foreseeable future if placed in the parent's home.
>
> (*iii*) A nonparent adult'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 by the nonparent adult in the foreseeable future if placed in the parent's home.
>
> * * *
>
> (g) The parent, although, in the court's discretion, financially able to do so, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.
>
> * * *

App 273, 287; 680 NW2d 902 (2004); *VanBuren Twp v Garter Belt Inc*, 258 Mich App 594, 632; 673 NW2d 111 (2003).

> (j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.
>
> (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:
>
> * * *
>
> (*iii*) Battering, torture, or other severe physical abuse.

With regard to MCL 712A.19b(3)(b)(*ii*) and (b)(*iii*), the trial court found that HV had suffered physical injury and that respondent-father had caused that injury. Respondent-mother suggests that the medical evidence of abuse was not conclusive and points out inconsistencies in HV's statements at the hospital. Respondent-mother was given the opportunity to present this argument to the trial court; the court clearly found HV's statements that respondent-father had caused his injury to be more credible than the one statement he made to the contrary, which was made after TV "became emotional" while a police detective was interviewing HV. This Court must defer to the trial court's credibility determinations, absent unusual circumstances not present here. See *In re LaFrance*, 306 Mich App at 723. Moreover, additional evidence also supported the finding of abuse by respondent-father, including respondents' failure to seek medical treatment for HV, respondent-mother's inconsistent stories, respondent-father's prior abuse, and the testimony of respondent-father's stepmother regarding respondents' statements directly after HV was injured. Accordingly, the trial court did not clearly err by finding that respondent-father had physically abused HV. *White*, 303 Mich App at 709-710.

Moreover, with regard to MCL 712A.19b(3)(b)(*ii*) in particular, the trial court found that respondent-mother was aware of respondent-father's prior child abuse conviction and could have prevented the harm to HV by not leaving him in respondent-father's care. This finding was supported by the record; respondent-mother testified that she was aware of respondent-father's prior conviction, but that she did not believe that he had actually abused DW. Respondent's argument that "[t]here was not a history of abuse" that she could have recognized is simply untrue.[5]

Given respondent-father's abuse of HV and history of abuse of DW, respondent-mother's continued denial of that abuse, and respondent-mother's refusal to seek medical treatment after HV's injury, the trial court did not clearly err by finding a reasonable likelihood that HV and IW would suffer injury or abuse in the foreseeable future if placed with respondent-mother. Although respondent-mother suggests that HV and IW would not be at risk of harm if respondent-father

[5] Respondent mother also argues on appeal that the suggestion that she could have prevented the abuse by not associating with respondent father is "perplexing," given that petitioner chose not to file a petition or offer services to respondent-father on the basis of the prior incident. The evidence established, however, that respondent father did receive services from CPS after the prior incident. Moreover, whether petitioner filed a petition has little relevance to whether respondent-mother could have prevented injury to HV by not leaving him in respondent-father's care.

were not in the home, she testified that she had no plans to leave respondent-father. Moreover, given her failure to seek medical treatment for HV, both HV and IW were at risk of harm in her care. Similarly, with regard to MCL 712A.19b(3)(b)(*iii*), the trial court did not clearly err by finding that respondent-father, a nonparent, had caused the abuse of HV and that there was a reasonable likelihood of harm if HV and IW were placed with respondent-mother. *White*, 303 Mich App at 709-710.

For the same reasons, the trial court also did not clearly err by finding clear and convincing evidence that there was a reasonable likelihood that HV and IW would be harmed if returned to respondent-mother's home under MCL 712A.19b(3)(j). *Id*. Respondent-mother argues that the children were not at risk of harm in her care, but as discussed above, she did not plan to leave respondent-father and her failures to seek medical treatment for HV supported the finding that HV and IW were at risk of harm in her care.

With regard to MCL 712A.19b(3)(g), respondent-mother does not address the trial court's findings with regard to her inability to provide proper care and custody, and, therefore, she has effectively abandoned any argument regarding this ground. See *Berger v Berger*, 277 Mich App 700, 712; 747 NW2d 336 (2008) ("A party abandons a claim when it fails to make a meaningful argument in support of its position."). With regard to MCL 712A.19b(3)(k)(*iii*), the trial court found that respondent-father had abused HV. There was no specific finding that respondent-mother had abused HV. Accordingly, we agree that the trial court erred by terminating respondent-mother's parental rights under this statutory ground. However, because only one statutory ground for termination need be established and the trial court did not clearly err by finding that termination of respondent-mother's parental rights was supported by other statutory grounds, this error is harmless. *In re Ellis*, 294 Mich App 30, 32; 817 NW2d 111 (2011); *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

C. BEST-INTEREST DETERMINATION

Respondent-mother also argues that petitioner failed to prove by a preponderance of the evidence that termination of her parental rights was in the best interests of HV and IW. We disagree.

"The trial court must order the parent's rights terminated if the Department has established a statutory ground for termination by clear and convincing evidence and it finds from a preponderance of the evidence on the whole record that termination is in the children's best interests." *White*, 303 Mich App at 713, citing MCL 712A.19b(5). This Court reviews for clear error the trial court's determination regarding the children's best interests. *White*, 303 Mich App at 713.

In determining the best interests of the children, the trial court must weigh all of the evidence available. *White*, 303 Mich App at 713. The court should consider a wide variety of factors, including:

> [T]he 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. The trial court may also consider 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*. a 713-714 (quotation marks and citations omitted).]

In this case, respondent-mother argues that she had a bond with IW and visited both children often. She also argues that the opinion of the foster care specialist, Timothy Aiello (Aiello), that there was no bond between her and HV was based entirely on what others had told him. Aiello testified that IW appeared to have a bond with respondent-mother, but that HV did not. The record does show that Aiello had not observed any visits, but had based his opinion on reports he had received from those who did observe parenting time visits.

Nonetheless, even if a bond existed between respondent-mother and both IW and HV, the existence of a bond may be outweighed by other concerns. Respondent-mother's failure to seek proper medical attention for HV and her desire to protect respondent-father from abuse allegations, which placed the children at risk of harm, outweighed any bond. Respondent-mother also had a history of failing to seek proper medical treatment for HV and domestic violence. She refused to accept responsibility or express remorse for what happened to HV, visited HV and IW inconsistently, and had only enrolled in parenting classes just before the bench trial began. Respondent-mother did not have housing, reliable transportation, or employment. Respondent-mother was unable to provide permanency and stability for her children, particularly given her decision to remain with respondent-father. HV and IW were both doing well in their placements, and IW's relative foster parent desired to adopt her. On this record, the trial court did not clearly err by finding that termination of respondent-mother's parental rights was in the best interests of HV and IW. *Id*.

III. DOCKET NO. 356522

In Docket No. 356522, respondent-father argues that (1) the trial court clearly erred by finding that the statutory grounds for termination were established by clear and convincing evidence, and (2) termination of his parental rights was not in the best interests of MW, DW, or IW. We again disagree.

A. STATUTORY GROUNDS FOR TERMINATION

Again, this Court reviews for clear error the trial court's findings regarding the statutory grounds for termination. *Brown/Kindle/Muhammad*, 305 Mich App at 635. The trial court terminated respondent-father's rights to MW, DW, and IW under MCL 712A.19b(3)(b)(*i*), (b)(*iii*), (g), (j), and (k)(*iii*). These provisions also provided the basis for termination of respondent-mother's rights, as discussed, with the addition of (b)(*i*), which provides:

> (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.

With regard to MCL 712A.19b(3)(b)(*i*) and (*iii*), respondent-father argues that the only evidence that HV suffered physical injury was the statement of HV, who was four years old and who also said that he had fallen off the bed, and that respondent-father was not offered any services to show that he is a good parent.[6] HV, however, made two statements implicating respondent-father; and only made a contrary statement when TV became emotional. Furthermore, the finding that respondent-father had physically abused HV was also supported by the evidence that respondents did not seek treatment for HV, respondent-mother's inconsistent stories, and respondent-father's history of child abuse. Therefore, again, the trial court did not clearly err by finding that HV, who is IW's sibling, suffered physical injury, and that respondent-father caused the physical injury. *Brown/Kindle/Muhammad*, 305 Mich App at 635. Similarly, given respondent-father's admission to abusing DW, the trial court did not clearly err by finding that DW, who is MW and IW's sibling, had suffered physical injury, and that respondent-father had caused the physical injury. *Id*. The trial court also did not clearly err by finding that there is a reasonable likelihood that MW, DW, and IW will suffer from injury or abuse in the foreseeable future given respondent-father's abuse of HV and failure to benefit from services after his prior child abuse conviction. *Id*. The trial court properly terminated respondent-father's parental rights under MCL 712A.19b(3)(b)(*i*).

Respondent-father argues that, when considering termination of his parental rights, MCL 712A.19b(3)(b)(*iii*) was not applicable to him. This ground applies when a child or a sibling of a child suffered physical injury or abuse and a nonparent caused the physical injury or abuse. HV is not respondent-father's child, and is the sibling of IW, who is respondent-father's child. It would therefore appear from the plain language of the statute that it applied in this case. See *DiBenedetto v West Shore Hosp*, 461 Mich 394, 402; 605 NW2d 300 (2000) (stating that plain, unambiguous statutory language will be enforced as written). But in any event, because only one statutory ground for termination need be established and the trial court did not clearly err by finding that termination of respondent-father's parental rights was supported by other statutory grounds, any error in the application of subsection (b)(*iii*) was harmless. *In re Ellis*, 294 Mich App at 32; *In re Powers*, 244 Mich App at 118.

With regard to MCL 712A.19b(3)(g), respondent-father argues that there was no evidence that he was not providing for his children, that he was receiving unemployment, and that there was no testimony regarding a lack of food or clothing, or that his housing was not proper. The trial court, however, found that respondents were unable to provide proper care and custody on the basis of their dishonesty, inconsistent statements, lack of explanation, delay in seeking treatment, failure to show remorse, and failure to benefit from services. Respondent-father does not address these findings and, therefore, he has abandoned any argument regarding this statutory ground. See *Berger*, 277 Mich App at 712. Nonetheless, the trial court's findings regarding this ground are not

[6] To the extent that respondent father suggests that he was entitled to reunification services, he has abandoned this argument by failing to fully develop it. See *Berger*, 277 Mich App at 712.

clearly erroneous. Failure to comply with or benefit from services supports a finding of neglect. *In re Trejo*, 462 Mich 341, 360-361 and n 16; 612 NW2d 407 (2000).

With regard to MCL 712A.19b(3)(j), respondent-father again argues that HV's allegation was not credible. However, this Court must defer to the trial court's credibility determinations. *In re LaFrance*, 306 Mich App at 723. Given the evidence that respondent-father abused HV, as well as respondent-father's history of abuse, the trial court did not clearly err by finding that there was a reasonably likelihood that MW, DW, and IW would be harmed if returned to respondent-father's care. *Brown/Kindle/Muhammad*, 305 Mich App at 635.

With to MCL 712A.19b(3)(k)(*iii*), respondent-father argues that he successfully completed prior parenting classes and probation for his prior conviction, and that there was little evidence that he had injured HV. Contrary to this assertion, there was clear and convincing evidence that respondent-father had severely abused HV and DW and had failed to benefit from prior services. Therefore, the trial court properly terminated respondent-father's parental rights under this ground. *Id*.

B. BEST-INTEREST DETERMINATION

Respondent-father also argues that termination of his parental rights was not in the best interests of MW, DW, and IW. We disagree.

Again, this Court reviews a trial court's best-interest determination for clear error. *White*, 303 Mich App at 713. Respondent-father argues that he has a bond with MW, DW, and IW, and that he successfully completed parenting classes and mental health court probation. Aiello testified that while respondent-father had a bond with IW, he did not have a bond with MW or DW, who believed that respondent-father did not love them. Moreover, even if a bond existed between respondent-father and MW, DW, or IW, that bond does not outweigh the evidence that respondent-father had physically abused HV and DW, which places MW, DW, and IW at risk of harm. In addition, respondent-father had not accepted responsibility or expressed remorse for what happened, had only signed up for parenting classes just before the best-interest hearing, had not visited the children consistently, had failed to communicate with Aiello, had a history of domestic violence, had no suitable housing, had transportation issues, and was not employed. MW and DW were happy in their placement with their mother, and IW was doing well in her placement with a relative who desired to adopt her. The trial court did not clearly err by finding that termination of respondent-father's parental rights was in the best interests of MW, DW, and IW. *Id*.

Affirmed.

/s/ Stephen L. Borrello
/s/ Kathleen Jansen
/s/ Mark T. Boonstra