

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
February 7, 2013

In the Matter of LESLEY, Minors.

No. 311636
Calhoun Circuit Court
Family Division
LC No. 12-000346-NA

Before: OWENS, P.J., and FITZGERALD and RIORDAN, JJ.

PER CURIAM.

Respondent-father appeals as of right the order terminating his parental rights to the minor children under MCL 712A.19b(3)(b)(i), (g), and (k)(ii). We affirm.

Respondent is the legal father of all three children involved in this case. In December of 2010, the youngest child, A.L., age 5, reported that respondent touched her private parts. Respondent was arrested and jailed on charges of second-degree criminal sexual conduct (CSC II). On November 18, 2011, respondent pleaded no contest to fourth-degree criminal sexual conduct (CSC IV) pursuant to an apparent plea agreement. On January 6, 2012, the trial court sentenced respondent to nine months' imprisonment, with credit for 293 days served, and ordered him to register as a sex offender. Petitioner informed respondent and the mother of the children that respondent should not move back into the family's home.

On March 26, 2012, each of the three children reported that respondent was living in the family home. Petitioner filed a petition seeking the termination of respondent's and the mother's respective parental rights to the children at the initial dispositional hearing. Petitioner sought termination of respondent's parental rights on the basis of his criminal sexual conduct against A.L., and sought termination of the mother's rights because she failed to protect the children from respondent's abuse. Following the dispositional hearing, the trial court terminated respondent's parental rights. The trial court did not terminate the mother's parental rights, but instead ordered that she receive reunification services.

Respondent now argues that the trial court clearly erred by finding that termination of his parental rights was in the children's best interests. We disagree. "In order to terminate parental rights, the trial court must find by clear and convincing evidence that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met." *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011). "Once a ground for termination is established, the court must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo Minors*, 462 Mich 341, 354; 612

NW2d 407 (2000); MCL 712A.19b(5). “That determination is to be made on the basis of the evidence on the whole record and is reviewed for clear error.” *In re LE*, 278 Mich App 1, 25; 747 NW2d 883 (2008). “A finding is clearly erroneous if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made.” *In re HRC*, 286 Mich App 444, 450; 781 NW2d 105 (2009).

To the extent that respondent challenges the trial court’s finding of one or more statutory grounds for termination or petitioner’s failure to provide respondent with reasonable reunification services, such arguments lack merit. Respondent’s statement of questions presented only challenges the trial court’s best interest finding. Thus, respondent has not properly presented for appellate review any additional claim of error. *In re BKD*, 246 Mich App 212, 218; 631 NW2d 353 (2001). Nevertheless, we find that the trial court properly found that the statutory grounds for termination were established by clear and convincing evidence. The trial court found that MCL 712A.19b(3)(k)(ii) constituted a statutory ground for termination of respondent’s parental rights. On appeal, respondent does not challenge this finding, but in fact concedes that MCL 712A.19b(3)(k)(ii) was a proper statutory basis for termination. The trial court only needs to find one statutory ground for termination. *In re Trejo Minors*, 462 Mich at 360; *In re HRC*, 286 Mich App at 461. Moreover, statutory grounds existed under both MCL 712A.19b(3)(b)(i) (the parent sexually abused the child or the child’s sibling and it is reasonably likely that the child will suffer abuse in the foreseeable future if placed with the parent) and (g) (failure to provide proper care and custody). *In re VanDalen*, 293 Mich App at 139; *In re Hudson*, 294 Mich App at 265 (“Evidence of how a parent treats one child is evidence of how he or she may treat the other children. It is thus appropriate for a trial court to evaluate a respondent’s potential risk to the other siblings by analyzing how the respondent treated another one of his or her children[.]”). Further, because the January 6, 2012, judgment of sentence for respondent’s CSC IV conviction required respondent to register as a sex offender, petitioner was not required to provide respondent with reasonable reunification services. MCL 712A.19a(2)(d). See *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010); *In re HRC*, 286 Mich App at 463.

In light of the record before us, particularly respondent’s conviction of CSC IV against A.L. and his status as a registered sex offender, we do not find that the trial court clearly erred by concluding that termination of respondent’s parental rights was in the best interests of the children. *In re Trejo Minors*, 462 Mich at 354. The doctor who conducted a psychological evaluation of A.L. testified that A.L. suffered emotional and psychological issues resulting from respondent’s sexual abuse and that continued contact with respondent would likely have a negative impact on her. The children’s foster care caseworker testified that respondent should not have contact with any of the children because respondent was a registered sex offender who had sexually abused A.L. As this Court found in *In re Hudson*, 294 Mich App 261, 268-269; 817 NW2d 115 (2011), “[A]ll the children were indirectly made victims of respondent’s sexual abuse of [one minor child]. . . . All the children will have a life long struggle dealing with what happened to their family as the result of respondent’s reprehensible behavior. Termination of respondent’s parental rights was in their best interest and was a necessary step in allowing the children to have the safety, permanence, and stability to which they are entitled.” *In re Jenks*, 281 Mich App 514, 517-519; 760 NW2d 297 (2008).

Affirmed.

/s/ Donald S. Owens
/s/ E. Thomas Fitzgerald
/s/ Michael J. Riordan