

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
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In re ORR, Minors.

No. 379800
Wayne Circuit Court
Family Division
LC No. 2025-000288-NA

Before: BAZZI, P.J., and PATEL and ACKERMAN, JJ.

PER CURIAM.

Respondent-father appeals as of right the trial court’s order terminating his parental rights to his minor children, CJO and LRO, under MCL 712A.19b(3)(j) and (m)(i). We affirm.

I. BACKGROUND

In August 2024, the Michigan State Police and the Department of Homeland Security Investigations Unit executed a search warrant at respondent-father’s family home in response to a tip provided to the National Center for Missing and Exploited Children. The tip alleged that respondent-father possessed and distributed child sexually abusive material (CSAM). Law enforcement located 14 images and 16 videos depicting CSAM on respondent-father’s cell phone. He was thereafter arrested on federal charges for possessing and distributing CSAM, and he remained in custody on those charges for the duration of the instant proceeding.

During a subsequent forensic interview, CJO disclosed that he saw “a lot of” CSAM on respondent-father’s cell phone, including images of nude girls that were approximately 6 to 12 years old. LRO did not make any disclosures initially but later reported that her mother and other family members told her that she would go into foster care if she made any disclosures.

After Children’s Protective Services (CPS) conducted its own investigation, the Department of Health and Human Services (DHHS) filed a petition seeking to terminate

respondent-father's parental rights under MCL 712A.19b(3)(g), (j), (k), and (m)(i)-(iii).¹ The petition detailed the circumstances of the federal CSAM charges and the results of the CPS investigation, and it further alleged that respondent-father pleaded guilty to first-degree criminal sexual conduct (CSC-I) against a victim under the age of 13 in 1997, resulting in his registration as a sex offender under the Sex Offender Registration Act, MCL 28.721 *et seq.* The trial court conducted a preliminary hearing, authorized the petition, and removed the children. They were placed with DHHS for care and supervision, and respondent-father was granted supervised visitation as allowed by the federal facility where he was detained.

At the adjudication trial, several law enforcement witnesses testified regarding the tip that led to the search warrant, the evidence recovered during the warrant's execution, and how the officers determined that respondent-father received, possessed, and distributed CSAM using his cell phone. The witnesses found no evidence that the phone was hacked or that anyone other than respondent-father used the phone. The images and videos were found in multiple locations on the phone and were accessed on various dates after they were downloaded.

A CPS specialist testified that, during the investigation, she interviewed the children's mother, who reported that she was aware of respondent-father's CSC-I conviction but "she forgave him for his past and didn't want to hold anything against him." She informed the specialist of an incident in December 2024 in which she discovered "some inappropriate photos that [the children] took of their private areas on their own tablets." Mother supported a continuing relationship between respondent-father and the children and did not believe he posed a risk to them, though she indicated later that she would not allow him to be around the children unsupervised. After the presentation of evidence, the court concluded that there were statutory grounds to exercise jurisdiction over the children and that clear and convincing evidence supported termination under MCL 712A.19b(3)(j), though it declined to find grounds to terminate under subsection (g) and reserved its ruling on subsection (m)(i) pending the best-interest hearing.

At the best-interest hearing, DHHS presented a best-interest evaluation prepared by Family Assessment Services in which the clinician opined that termination of respondent-father's parental rights was in the children's best interests. The clinician noted a link between the CSAM found on respondent-father's phone and the children's own inappropriate photographing, opining that the children's conduct resulted from respondent-father's negative influence. The clinician noted that the children were impressionable and susceptible to manipulation and coercion. During the evaluation, respondent-father was evasive, avoided accepting responsibility for his conduct, minimized his role in the circumstances giving rise to the petition, and failed to appreciate the impact his behavior had on his children, leading the clinician to conclude that respondent-father was unlikely to change.

After closing arguments, the trial court found that clear and convincing evidence additionally supported termination under MCL 712A.19b(3)(m)(i), and it concluded that

¹ Though the children's mother was a respondent to the petition, DHHS did not seek to terminate her parental rights, and she is not a party to this appeal. DHHS later narrowed the statutory grounds for termination of respondent-father's parental rights to MCL 712A.19b(3)(g), (j), and (m)(i).

termination was in the children’s best interests. The court entered an order terminating respondent-father’s parental rights, and this appeal followed.

II. DISCUSSION

A. STATUTORY GROUNDS

To terminate parental rights, a trial court must find by clear and convincing evidence that a statutory ground for termination under MCL 712A.19b(3) has been established. *In re Jackisch/Stamm-Jackisch*, 340 Mich App 326, 333; 985 NW2d 912 (2022). We review that finding for clear error. *Id.* “A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been made, giving due regard to the trial court’s special opportunity to observe the witnesses.” *Id.* (citation omitted).

On appeal, respondent-father argues that the trial court erred by finding clear and convincing evidence to support termination under MCL 712A.19b(3)(j). However, the trial court also found clear and convincing evidence to support termination under MCL 712A.19b(3)(m)(i), and respondent-father does not challenge that finding. Assuming for the sake of argument that the trial court erred in its findings as to subsection (j), any error would not entitle respondent-father to relief because the trial court need only find that one statutory ground has been proven by clear and convincing evidence to support termination of parental rights under MCL 712A.19b(3). See *In re Martin*, 316 Mich App 73, 90; 896 NW2d 452 (2016). Stated differently, because respondent-father does not challenge the independent basis for termination under MCL 712A.19b(3)(m)(i), affirmance is required notwithstanding any purported errors in the court’s findings concerning subsection (j), and we therefore decline to address the merits of respondent-father’s arguments concerning that subsection.

B. BEST INTERESTS

Even if a trial court finds that statutory grounds for termination are established by clear and convincing evidence, “it cannot terminate the parent’s parental rights unless it also finds by a preponderance of the evidence that termination is in the best interests of the children.” *In re Gonzales/Martinez*, 310 Mich App 426, 434; 871 NW2d 868 (2015). We review a trial court’s best-interest determination for clear error. *In re Sanborn*, 337 Mich App 252, 276; 976 NW2d 44 (2021).

In making a best-interest determination, the focus “is on the child, not the parent.” *In re MJC*, 349 Mich App 42, 62; 27 NW3d 122 (2023). Relevant considerations include:

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 and citations omitted; alteration in original.)]

Further, “[t]he trial court’s findings need not be extensive; brief, definite, and pertinent findings and conclusions on contested matters are sufficient.” *Id.* (cleaned up).

In this case, the trial court considered the strong bond between respondent-father and the children and that termination of respondent-father’s parental rights would not result in adoption because mother retained her parental rights, and it weighed those considerations against termination. It found, however, that those factors were outweighed by the substantial risk of mental, emotional, and physical harm posed by respondent-father’s continued presence in the children’s lives. In so finding, the court highlighted respondent-father’s CSC-I conviction and pending charges for possessing and distributing CSAM, the children’s demonstrated exposure to and imitation of sexualized conduct, the clinician’s concerns that the children were impressionable and susceptible to manipulation and coercion, and respondent-father’s failure to appreciate the repercussions of his conduct. The court also noted the clinician’s conclusion that respondent-father’s history and “lifetime of sexual deviance and the sexual abuse of children suggests a pattern of sexual behaviors towards children that are predatory, that are manipulative and that are coercive in nature.” Finally, the court found that the children’s need for permanency, stability, and finality supported termination.

The record supports the court’s findings. Respondent-father’s 1997 CSC-I conviction evidenced a history of predation against children, and his possession and distribution of CSAM in 2024 demonstrated that his predatory conduct remained ongoing. Not only did that conduct expose the children to the risk of being sexually exploited, but it also exposed the children to emotional harm. During a forensic interview, CJO acknowledged seeing “a lot of” CSAM on respondent-father’s cell phone, and CJO estimated that the girls depicted in the CSAM were between the ages of 6 and 12 years old—an age range both children fell within at the time of termination. Mother later found the children taking inappropriate nude photographs of their own bodies. The clinician’s opinion concerning the impressionability of the children and the link between respondent-father’s conduct and the children’s own behavior further supports the court’s conclusion that respondent-father’s behavior posed a risk of physical, mental, and emotional harm to the children. And the trial court’s conclusion is supported by respondent-father’s failure to accept responsibility for or appreciate the impact on his children of his conduct, demonstrating that he is unlikely to refrain from harmful conduct in the future.

The children’s need for permanency, stability, and finality likewise supported termination. Respondent-father remained incarcerated pending trial on the CSAM charges for the duration of this proceeding, did not qualify for reunification services while incarcerated, and by his own estimate faced years of imprisonment if convicted, leaving him unable to provide care and poised for release when LRO reached approximately the same age as respondent-father’s CSC-I victim. On this record, a continued parent-child relationship with respondent-father offered the children no realistic path to stability or permanency.

On appeal, respondent-father asserts that termination was not in the children’s best interests because the children were likely to be returned to mother’s home in the future, which was appropriate and stable, and because of the strong bond he shared with the children. Those arguments are unpersuasive. While the record supports that respondent-father and the children shared a strong bond, a child’s bond with a parent is but one of many factors a trial court considers when determining the child’s best interests. See *id.* Here, the trial court acknowledged the bond

but found it outweighed by the risk of harm respondent-father poses to the children, and respondent-father presents no argument or authority challenging that finding.

Moreover, the prospect that the children may be returned to mother's care does not obviate the risk of harm respondent-father posed if his parental rights remained intact. Mother supported a continuing relationship between respondent-father and the children and, although she testified that she would require his contact with the children to be supervised, she also stated that she did not believe he posed any risk to the children's well-being. That evidence supports the trial court's finding that prospective placement with mother would not protect the children from the risk of harm posed by respondent-father's conduct. Respondent-father has not established that the trial court clearly erred in finding that termination was in the children's best interests.

Affirmed.

/s/ Mariam S. Bazzi

/s/ Sima G. Patel

/s/ Matthew S. Ackerman