

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of NICOLE RICHMOND, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHARLES RICHMOND,

Respondent-Appellant.

UNPUBLISHED

April 3, 1998

No. 200338

Oakland Juvenile Court

LC No. 96-061316 NA

Before: Bandstra, P.J., and MacKenzie and N.O. Holowka*, JJ.

PER CURIAM.

Respondent appeals as of right from a juvenile court order terminating his parental rights under MCL 712A.19b(3)(b)(i), (g) and (j); MSA 27.3178(598.19b)(3)(b)(i), (g) and (j). We affirm.

Respondent first argues that the juvenile court abused its discretion by denying his motion to adjourn the termination proceedings until after his criminal trial. A trial court's decision whether to grant an adjournment is reviewed for an abuse of discretion. *People v Peña*, 224 Mich App 650, 660; 569 NW2d 871 (1997). Whatever compulsion to testify existed was insufficient to amount to a violation of respondent's right to be free from compelled self-incrimination. *In re Stricklin*, 148 Mich App 659, 664-665; 384 NW2d 833 (1986). Furthermore, the juvenile court offered to preclude use of respondent's testimony at any subsequent criminal trial. Thus, the juvenile court did not abuse its discretion in denying respondent's motion to adjourn.

Next, the juvenile court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *In re Hall-Smith*, 222 Mich App 470, 473; 564 NW2d 156 (1997). The evidence indicated that the death of respondent's younger daughter resulted from physical abuse inflicted by respondent. How a parent treats one child is probative of how

* Circuit judge, sitting on the Court of Appeals by assignment.

that parent may treat other children. *In re Powers*, 208 Mich App 582, 588; 528 NW2d 799 (1995). There was a reasonable likelihood the minor child would be harmed if returned to respondent's home. Although respondent offered evidence that his mental illness might improve sufficiently to enable him to become a successful father, the evidence did not establish that the condition would be rectified "within a reasonable time considering the age of the child." MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g). Further, respondent failed to show that termination of his parental rights was clearly not in the child's best interest. *In re Hall-Smith, supra*. Thus, the juvenile court did not err in terminating respondent's parental rights. MCL 712A.19b(5); MSA 27.3178(598.19b)(5).

We affirm.

/s/ Richard A. Bandstra
/s/ Barbara B. MacKenzie
/s/ Nick O. Holowka