

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of ERIC WAYNE ZAVODA, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WAYNE ZAVODA,

Respondent-Appellant.

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UNPUBLISHED

June 15, 2001

No. 230283

Genesee Circuit Court

Family Division

LC No. 98-110176-NA

Before: Hoekstra, P.J., and Talbot and Zahra, JJ.

MEMORANDUM.

Respondent, Wayne Zavoda, appeals as of right from an order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(h) and (k). We affirm.

Respondent argues that the family court erred in finding statutory grounds for termination of his parental rights. We disagree. We review the family court's findings of fact for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). Once a statutory ground has been established by clear and convincing evidence, the court must terminate parental rights "unless there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000); MCL 712A.19b(5).

The undisputed evidence established that respondent was convicted of first-degree murder, first-degree criminal sexual conduct, and first-degree child abuse, all of which were perpetrated against a sibling of the minor child. For these convictions, respondent is currently serving sentences of life in prison without parole, twenty to thirty years in prison, and ten to fifteen years in prison, respectively. We conclude that the family court did not clearly err in finding that grounds for termination of respondent's parental rights were established by clear and convincing evidence pursuant to MCL 712A.19b(3)(h) and (k). Further, the family court's finding that the evidence failed to show that termination was contrary to the child's best interests was not clearly erroneous. MCL 712A.19b(5); *In re Trejo*, *supra* at 354, 364-365.

We reject defendant's contention that the court erred in terminating his parental rights while the appeal of his criminal convictions is pending. The success of respondent's appeal is

speculative. It is likely that regardless of the outcome, the child will be deprived of a normal home for a period exceeding two years and that respondent will be unable to provide for the child's proper care and custody within a reasonable time considering the child's age. MCL 712A.19b(3)(h). The termination statute does not require the court to delay termination proceedings while respondent exhausts all avenues of appeal. Further, to do so would delay the permanent placement of the child. Accordingly, the court did not err in terminating respondent's parental rights.

Affirmed.

/s/ Joel P. Hoekstra  
/s/ Michael J. Talbot  
/s/ Brian K. Zahra