

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ELLIOTT DEAN CHENAULT,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

HERMAN CHENAULT,

Respondent-Appellant,

and

TAMMY NOLIN,

Respondent.

UNPUBLISHED

March 22, 2002

No. 234083

Oakland Circuit Court

Family Division

LC No. 99-626053-NA

Before: Jansen, P.J., and Zahra and Meter, JJ.

PER CURIAM.

Respondent-appellant (“respondent”) appeals by right from the family court’s order terminating his parental rights to a minor child under MCL 712A.19b(3)(g) (“[t]he parent, without regard to intent, 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”), MCL 712A.19b(3)(c)(h) (“[t]he parent is imprisoned for such a period that the child will be deprived of a normal home for a period exceeding 2 years, and the parent has not provided for the child’s proper care and custody, 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”), and MCL 712A.19b(3)(j) (“[t]here 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”). We affirm.

This Court reviews for clear error a family court’s finding that a statutory basis for termination has been met. MCR 5.974(I); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Once a statutory basis has been proven by clear and convincing evidence, the

court must terminate parental rights unless the court finds that termination is clearly not in the best interests of the child. *Trejo*, supra at 344, 355. A court's finding on the best interests prong is also reviewed by this Court for clear error. *Id.* at 356-357, 365.

In his sole issue on appeal, respondent challenges the family court's finding regarding the best interests of the child. In light of respondent's incarceration, criminal history, and history of drug abuse, we find no clear error with regard to the court's ruling on the best interests prong.

Respondent additionally suggests in his appellate brief that the family court erred in determining that statutory grounds for termination had been established. However, respondent did not raise this issue in the statement of questions presented for appeal. Accordingly, he has failed to present it properly for review. See *Preston v Dep't of Treasury*, 190 Mich App 491, 498; 476 NW2d 455 (1991). Nevertheless, we find no clear error with regard to the court's conclusion that MCL 712A.19b(3)(h) had been established by clear and convincing evidence. Because only one statutory basis need be established to warrant termination, see *Trejo*, supra at 360, we need not address respondent's additional unpreserved argument that the family court improperly relied on MCL 712A.19b(3)(g) and (j) in terminating his parental rights.

Affirmed.

/s/ Kathleen Jansen
/s/ Brian K. Zahra
/s/ Patrick M. Meter