

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JNGH, DLH, Jr., and JRB, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DRACO HARRISON,

Respondent-Appellant,

and

RUBY LILLIAN GILLARD-HARRISON and
DARRYL E. BINGLEY,

Respondents.

UNPUBLISHED

June 21, 2002

No. 233562

Wayne Circuit Court

Family Division

LC No. 99-383611

In the Matter of JNGH, DLH, Jr., and JRB, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RUBY LILLIAN GILLARD-HARRISON,

Respondent-Appellant,

and

DRACO HARRISON and DARRYL E. BINGLEY,

Respondents.

No. 233613

Wayne Circuit Court

Family Division

LC No. 99-383611

Before: Holbrook, Jr., P.J., and Gage and Meter, JJ.

PER CURIAM.

In these consolidated appeals, appellants Harrison and Gillard-Harrison appeal by right from the trial court's order terminating their parental rights to the minor children¹ under MCL 712A.19b(3)(b), (g), and (j). 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.

The trial court did not clearly err in finding that at least one basis for termination was established by clear and convincing evidence.² With regard to Harrison, petitioner's evidence established that he had been sexually assaulting his stepdaughter over a two-year period. Harrison argues that the trial court erred in finding the stepdaughter to be a credible witness, but this Court defers to a trial court's findings regarding witness credibility. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *Fletcher v Fletcher*, 229 Mich App 19, 29; 581 NW2d 11 (1998). Moreover, the trial court did not clearly err in concluding that Harrison's behavior placed his own children at risk of future harm. With regard to Gillard-Harrison, the trial court did not clearly err in finding that she too risked causing future harm to her children, given the evidence that Gillard-Harrison unreasonably and persistently refused to believe her daughter's accusations against Harrison.

Because the evidence established at least one statutory basis for termination and did not show that termination of appellants' rights was clearly not in the children's best interests, the trial court did not err in terminating appellants' parental rights. *Trejo, supra* at 357.

Gillard-Harrison contends that the trial court erred by admitting hearsay testimony at trial.³ However, she waived this issue by failing to include it in her statements of questions

¹ The trial court terminated respondent Gillard-Harrison's parental rights to all three children and terminated respondent Harrison's rights to the two children that he fathered.

² Only one statutory basis need be established to warrant termination. See *Trejo, supra* at 360.

³ It is unclear whether Harrison is also arguing that this testimony should have been excluded from trial. Indeed, while he characterizes it as "inadmissible," he also uses the testimony to support his appellate argument. Assuming, arguendo, that Harrison is indeed arguing that the testimony should have been excluded, we apply the same reasoning to his argument as we do to Gillard-Harrison's.

presented for appeal. See *Orion Twp v State Tax Comm*, 195 Mich App 13, 18; 489 NW2d 120 (1992). Moreover, she failed to object to the challenged testimony below on the basis of hearsay.⁴ See *People v Aldrich*, 246 Mich App 101, 113; 631 NW2d 67 (2001) (to preserve an alleged evidentiary error for appeal, a party must object below on the same grounds it asserts on appeal). Accordingly, we decline to address this issue. Moreover, given the additional evidence supporting the trial court's decision in this case, we discern no miscarriage of justice resulting from our failure to review this issue. *In re Snyder*, 223 Mich App 85, 92-93; 566 NW2d 18 (1997).

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ Hilda R. Gage

/s/ Patrick M. Meter

⁴ While Gillard-Harrison mentioned the alleged hearsay nature of the testimony in closing arguments, her objection at the time of the testimony was based on relevance and on the allegedly leading nature of petitioner's questions.