

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KARI MAST and KATEE MAST,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KEVIN MAST,

Respondent-Appellant.

UNPUBLISHED

August 26, 2004

No. 254824

Allegan Circuit Court

Family Division

LC No. 01-030193-NA

Before: Hoekstra, P.J., and Cooper and Kelly, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating his parental rights to the minor children. We affirm.

Respondent was convicted of two counts of second-degree criminal sexual conduct (CSC II) based on the inappropriate touching of his two daughters, who were under thirteen years of age, MCL 750.520c(1)(a). He was sentenced to imprisonment for 38 months to 15 years. The trial court determined that there was clear and convincing evidence that respondent sexually abused his daughters and that “there is no interest whatsoever in continuing his parental relationship with these two young girls.”

Defendant argues that there was not clear and convincing evidence to establish the bases for termination set forth in MCL 712A.19b(3)(b)(parent’s acts caused sexual abuse and the child will likely suffer future injury or abuse if placed in the parent’s home), and MCL 712A.19b(3)(n)(parent is convicted of a CSC offense), a ground that also requires a finding that termination is in the child’s best interests. We find no clear error. See *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003). We need only determine that there was clear and convincing evidence to establish one of these statutory bases to affirm. *In re KMP*, 244 Mich App 111, 118; 624 NW2d 472 (2000). Defendant’s judgment of sentence clearly and convincingly established that he was convicted of CSC II involving his daughters pursuant to MCL 750.520c(1)(a). Defendant asserts that, regardless, there was no evidence that a continuing relationship would be harmful since he would likely be in prison until his daughters were adults. This argument ignores the emotional component attendant with such abuse. We find no clear error in the trial court’s determination that “there is no interest whatsoever in continuing [respondent’s] parental

relationship” with the children he violated, and accordingly conclude that termination was warranted under MCL 712A.19b(3)(n).

Affirmed.

/s/ Joel P. Hoekstra
/s/ Jessica R. Cooper
/s/ Kirsten Frank Kelly