

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of DEANTE' SPRINGER, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

WILLIAM J. SPRINGER,

Respondent-Appellant.

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UNPUBLISHED

September 16, 2008

No. 283555

Wayne Circuit Court

Family Division

LC No. 07-468419-NA

Before: Whitbeck, P.J., and Bandstra and Donofrio, JJ.

PER CURIAM.

Respondent William Springer appeals as of right from the trial court order terminating his parental rights to the minor child.<sup>1</sup> We affirm.

I. Basic Facts And Procedural History

In May 2007, petitioner filed an original permanent custody petition. This petition alleged as follows: Springer is the father of Deante.<sup>2</sup> In April 2007, Romulus police arrested Springer for sexually assaulting his biological daughter and Deante's half-sister, J.T. J.T. told Sergeant Jeffrey Lazarski that she was suspended from school for arguing with classmates. Springer yelled at her and said she could choose a "spanking" or a "hump" as her discipline. J.T. explained that a "hump" is when Springer pulls down his pants and humps her. J.T. also disclosed that Springer would squeeze her breasts and rub his bare penis between the cheeks of

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<sup>1</sup> MCL 712A.19b(3)(b)(i) (parent's act caused physical/sexual abuse of the child or the child's sibling and there is a reasonable likelihood that the child will suffer from injury/abuse in the foreseeable future if placed with the parent), (g) (parent failed to provide proper care and custody), (j) (reasonable likelihood that the child will be harmed if returned to the parent), and (n)(i) (parent has been convicted of a crime under MCL 750.520c).

<sup>2</sup> There is inconsistency in the lower court record regarding the correct spelling of the minor child's name. The lower court order appealed from spells it with an accent mark, as follows: "Deante'." However, consistent with the child's birth certificate we will refer to him herein as "Deante."

her buttocks. This occurred at least 15 times between June 2006 and March 2007. Springer admitted the conduct to police on videotape and in a written statement. However, Springer insisted that he did it to educate J.T., not for sexual gratification. Springer stated that J.T. was sexually active and that he wanted to show her how boys disrespect girls. Deante denied being physically or sexually abused by Springer. Springer was arrested and charged with three counts of criminal sexual conduct (CSC).

The permanent custody hearing was held in January 2008. Petitioner submitted two exhibits into evidence indicating that Springer pleaded guilty to second-degree CSC.<sup>3</sup>

The trial court found that termination of Springer's parental rights at the initial disposition was justified based on MCL 712A.19b(3)(b)(i), (g), (j), and (n)(i). The trial court also found that there was not clear and convincing evidence to show that termination of Springer's parental rights was not in the children's best interests.

## II. Statutory Grounds For Termination

### A. Standard Of Review

To terminate parental rights, the trial court must find that the petitioner has proven at least one of the statutory grounds for termination by clear and convincing evidence.<sup>4</sup> We review for clear error a trial court's decision terminating parental rights.<sup>5</sup> A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made.<sup>6</sup> Regard is to be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it.<sup>7</sup>

### B. Analysis

There was clear and convincing evidence to terminate Springer's parental rights pursuant to MCL 712A.19b(3)(b)(i). Springer sexually assaulted his daughter, Deante's half-sister, and was convicted of second-degree CSC, after he entered a guilty plea. Because Springer perpetrated the sexual assault on his daughter, there is a reasonable likelihood that Deante, his other minor child, will suffer abuse or injury in Springer's care.

Termination of Springer's parental rights pursuant to MCL 712A.19b(3)(g) and (j) was also appropriate. In sexually abusing his daughter, Springer subjected her to physical and emotional harm and demonstrated that he is unable to provide proper care for his children.

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<sup>3</sup> MCL 750.520c(1)(b).

<sup>4</sup> MCL 712A.19b(3); *In re Sours Minors*, 459 Mich 624, 632-633; 593 NW2d 520 (1999).

<sup>5</sup> MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 355-357; 612 NW2d 407 (2000); *Sours*, *supra* at 633.

<sup>6</sup> *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

<sup>7</sup> MCR 2.613(c); *In re Miller*, 433 Mich 331, 337; 455 NW2d 161 (1989).

Springer's conduct reveals that he does not have an appropriate protective, paternal instinct towards his children. His explanation, that he perpetrated the sexual assault in effort to educate his daughter on how boys would disrespect her, shows that he has no sense of propriety and demonstrated dangerous judgment. Because how a parent treats one child is probative of how a parent may treat other children, Deante would be at risk in Springer's care.<sup>8</sup>

Termination of Springer's parental rights under MCL 712A.19b(3)(n)(i) was also proper. As indicated, Springer was convicted of second-degree CSC for sexually assaulting his daughter. Termination of Springer's parental rights to Deante is in the child's best interest because continuing the parent-child relationship with Springer would be harmful to Deante given the fact that Springer perpetrated this crime on one of his other children who is Deante's half sibling.

Springer argues that he was a positive force in Deante's life and that he displayed no neglectful or abusive conduct toward Deante. He argues that the statutory basis relied on for termination of parental rights cannot be satisfied by merely pointing to the manner in which a sibling was treated because there was no evidence that Springer's actions caused physical or sexual abuse to Deante. Springer's argument is not consistent with case law, which recognizes anticipatory neglect. Abuse of one child is probative of a parent's proclivity to abuse other children.<sup>9</sup> The purpose of this doctrine is to protect children in advance of harm where there is a likelihood of harm as opposed to waiting for the harm to occur. Deante could not safely be returned to Springer's care in light of past sexual abuse inflicted by Springer on his daughter.

We conclude that the trial court did not clearly err in finding that statutory grounds for termination of Springer's parental rights were established by clear and convincing evidence.

### III. Best Interests Determination

#### A. Standard Of Review

Once a petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights, unless the trial court finds from evidence on the whole record that termination is clearly not in the child's best interests.<sup>10</sup> There is no specific burden on either party to present evidence of the children's best interests; rather, the trial court should weigh all evidence available.<sup>11</sup> We review the trial court's decision regarding the child's best interests for clear error.<sup>12</sup>

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<sup>8</sup> *In re LaFlure*, 48 Mich App 377, 392; 210 NW2d 482 (1973).

<sup>9</sup> *In re Parshall*, 159 Mich App 683, 689; 406 NW2d 913 (1987); *In re Youmans*, 156 Mich App 679, 689; 401 NW2d 905 (1986); *In re Dittrick Infant*, 80 Mich App 219, 222; 263 NW2d 37 (1977); *In re LaFlure*, *supra*.

<sup>10</sup> MCL 712A.19b(5); *Trejo*, *supra* at 350.

<sup>11</sup> *Trejo*, *supra* at 354.

<sup>12</sup> *Id.* at 356-357.

## B. Analysis

Although Springer argues that he was bonded to Deante and was very involved in his son's life, Springer's treatment of Deante's half-sister demonstrates that he put his own desires before the needs of his children and exercised dangerous parental judgment. We, therefore, conclude that the evidence did not show that the children's best interests precluded termination of Springer's parental rights.

In sum, we conclude that Springer's parental rights were properly terminated.

Affirmed.

/s/ William C. Whitbeck  
/s/ Richard A. Bandstra  
/s/ Pat M. Donofrio