STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of SHAYLA DANANE LILIES,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SHELDON LILIES,

Respondent-Appellant,

and

ERICA NIERNBERG,

Respondent.

UNPUBLISHED
March 5, 2009

No. 286797
Bay Circuit Court
Family Division
LC No. 07-009652-NA

Before: Donofrio. P.J. and K.F. Kelly and Beckering, JJ.

PER CURIAM.

Respondent appeals of right the order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), (h), and (k)(ii). We affirm.

Termination of parental rights is appropriate where petitioner proves by clear and convincing evidence at least one ground for termination. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). Once this has occurred, the trial court shall terminate the parental rights if it finds that termination is in the child's best interests. MCL 712A.19b(5). This Court reviews the trial court's findings under the clearly erroneous standard. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

The trial court did not clearly err in finding that the statutory grounds were established by clear and convincing evidence. The condition that led to adjudication was respondent's sexual abuse of the minor child's older half-sister. Respondent pleaded no contest to third-degree criminal sexual conduct and was sentenced to eight to 15 years' imprisonment. Because respondent was incarcerated, petitioner was not able to provide any services to him. He also refused to cooperate with petitioner during the proceedings and did not provide the names of any relatives who might be suitable placements for the minor child.

Respondent argues that the trial court erred in terminating his parental rights because the sexual abuse did not directly involve the minor child. Because respondent failed to elaborate on this argument or cite any authority in connection with it, this argument is considered abandoned. *In re Gazella*, 264 Mich App 668, 679; 692 NW2d 708 (2005). Nonetheless, we find this argument to be without merit. MCL 712A.19b(3)(k)(ii) specifically provides for termination if sexual abuse involves the child "or a sibling of the child." Moreover, MCL 712A.2(b)(2) does not require that the conditions of adjudication be aimed directly at the minor child.

Respondent also appears to be arguing that petitioner should have provided him with a service plan and should have investigated his family. However, respondent failed to object to the parent agency treatment plan, which stated that there were no assessed needs for respondent. As correctly noted by petitioner, respondent may not take a position in the trial court and then seek redress in an appellate court on the basis of a position contrary to that taken in the trial court. *In re Gazella, supra* at 679; *Phinney v Verbrugge*, 222 Mich App 513, 544; 564 NW2d 532 (1997). Evidence also revealed that respondent failed to cooperate with petitioner, refused to provide any family history, and did not offer the names of any family members who might be suitable for placement of the minor child.

The trial court found that, although respondent loved the minor child, he was unable to provide proper care and custody for her because of his legal issues. Respondent contends that the trial court's findings ignore the period of time that the child lived with him and his family. Respondent cites a letter he wrote to the judge, which was admitted as an exhibit. In this letter, respondent stated that the child's mother asked if the child could live with respondent and his new wife, and he agreed. This letter further shows, at most, that the minor child lived with respondent for one month. Such a short time frame does not demonstrate respondent's ability to provide proper care and custody for the minor child. Moreover, respondent has many years left on the sentence he received as a result of his criminal conduct, and he will not be available to provide a proper home for the child during most of her minority.

Respondent contends that trial court clearly erred in finding that termination was in the child's best interests. We disagree. The foster care worker opined that respondent's parental rights should be terminated because of respondent's "inability to provide her with stability, permanence -- um -- a stable home environment, able to provide for her basic needs." In addition, evidence revealed that respondent failed to cooperate with petitioner with regard to a plan to care for the minor child. Respondent again cites his letter to the court, where he stated that the child meant everything to him and he could not imagine his life without her. However, this child needed more than respondent's love. She needed a permanent and stable home, which respondent was not able to provide. Termination of respondent's parental rights was in the child's best interests.

Affirmed.

/s/ Pat M. Donofrio
/s/ Kirsten Frank Kelly
/s/ Jane M. Beckering