STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of TORREA MARIE GILSON,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MARK GILSON,

Respondent-Appellant,

and

RAEANNE WRIGHT,

Respondent.

UNPUBLISHED
June 16, 2009

No. 288695
Genesee Circuit Court
Family Division
LC No. 05-120661-NA

Before: Murphy, P.J., and Sawyer and Murray, JJ.

PER CURIAM.

Respondent Mark Gilson appeals as of right the order terminating his parental rights to his minor child under MCL 712A.19b(3)(g) and (j). We affirm.

Respondent argues that reasonable efforts were not made because he was not offered services and mailings were sent to his mother's home, where he was not living. Petitioner generally must make reasonable efforts to rectify the problems that led to adjudication, *In re Fried*, 266 Mich App 535, 542; 702 NW2d 192 (2005); MCL 712A.18f, consistent with the general policy favoring preservation of families, MCL 712A.1(3). If petitioner failed to make reasonable efforts, this may prevent petitioner from establishing statutory grounds for termination. See *In re Newman*, 189 Mich App 61, 66-68, 70; 472 NW2d 38 (1991).

However, petitioner is not required to offer services under all circumstances, *In re Terry*, 240 Mich App 14, 26 n 4; 610 NW2d 563 (2000), including when the respondent sexually abused the child, MCL 722.638(1)(a)(ii) and (2). In the present case, the initial petition alleged the child feared respondent, and the mother moved the child to another state because respondent molested her. Further, respondent did not seek services or make himself available for services. He did not attend the removal hearing, despite telephone notice, and did not provide a correct

mailing address. Under these circumstances, the trial court did not err when it found that reasonable efforts were made.

Next, respondent challenges the establishment of statutory grounds to terminate his parental rights. To terminate parental rights, the trial court must find that the petitioner has established at least one statutory ground for termination of parental rights by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). We will reverse only if the trial court's finding under every statutory ground was clearly erroneous. See MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 355-357; 612 NW2d 407 (2000); *In re Huisman*, 230 Mich App 372, 384-385; 584 NW2d 349 (1998).

The trial court did not err when it found clear and convincing evidence that respondent failed to provide proper care and custody and was not reasonably likely to within a reasonable time, MCL 712A.19b(3)(g). Contrary to respondent's assertion on appeal, there was evidence that the child alleged sexual abuse. According to the therapist, the child said she had sexy feelings when she thought about what respondent did to her and this caused her to sexually abuse a younger child. Further, the therapist testified that the child expressed great fear of respondent, regardless whether the mother was present, and the experienced therapist believed the child. Also contrary to respondent's assertion on appeal, there was no evidence that the mother informed the child about the molestation. Rather, the petition alleged that the mother told her child about her own molestation.

Further, respondent failed to comply with a child support order or seek any contact with his child for two years and did not demonstrate any ability to financially or emotionally support her in a reasonable time. He also failed to demonstrate any plan for providing appropriate housing. Because there was sufficient evidence under MCL 712A.19b(3)(g), we need not address whether there was sufficient evidence under another statutory ground. See *In re Huisman*, *supra* at 384-385.

Respondent also requests that we find that termination was not in the child's best interests. MCL 712A.19b(5). Respondent did not properly raise this issue for review by including it in the questions presented. See *Grand Rapids Employees Independent Union v Grand Rapids*, 235 Mich App 398, 409-410; 597 NW2d 284 (1999). Regardless, the lower court did not err when it held that termination was in the child's best interests, in light of her fear of respondent and particular need for stability.

Affirmed.

/s/ William B. Murphy
/s/ David H. Sawyer
/s/ Christopher M. Murray