STATE OF MICHIGAN

COURT OF APPEALS

In re L. L. VASQUEZ, Minor.

UNPUBLISHED
May 10, 2016

No. 329681
Ionia Circuit Court
Family Division
LC No. 2014-000378-NA

Before: RIORDAN, P.J., and SAAD and MARKEY, JJ.

PER CURIAM.

Respondent mother and respondent father[1] appeal by right the trial court's order terminating their parental rights to the minor child under MCL 712A.19b(3)(c)(*i*) (conditions that led to the adjudication continue to exist), (c)(*ii*) (other conditions that cause the child to come within the court's jurisdiction continue to exist), (g) (failure to provide proper care and custody), and (j) (children will be harmed if returned to parent). We affirm.

On appeal, respondents allege numerous claims of error and wrongdoing by petitioner, petitioner's counsel, caseworkers, a deputy probate register, and the trial court itself. Respondents have not properly presented these issues because they failed to specifically raise them in their statement of the questions presented. *Michigan's Adventure, Inc v Dalton Twp*, 290 Mich App 328, 337 n 3; 802 NW2d 353 (2010). Additionally, respondents have abandoned all but one of their claims by failing to provide factual or legal support for those claims. "An appellant may not merely announce his position and leave it to this Court to discover and rationalize the basis for his claims, nor may he give issues cursory treatment with little or no citation of supporting authority." *Houghton v Keller*, 256 Mich App 336, 339; 662 NW2d 854 (2003) (citations omitted). "An appellant's failure to properly address the merits of his assertion of error constitutes abandonment of the issue." *Id*. at 339-340. Nevertheless, we have reviewed respondents' improperly presented and abandoned claims to the extent possible upon full review of the record presented to this Court and find all of them to be without merit.

The only argument respondents did not abandon by failing to provide factual or legal support was that they had not committed a crime before the minor child's removal, and that, therefore, petitioner did not have jurisdiction to remove the child, and the trial court did not have

[1] Respondents appear *in propria persona*.

the jurisdiction to terminate their parental rights. However, petitioner and the trial court properly removed the minor child from respondents pursuant to an ex parte order under MCL 712A.14b(1)(a) because of an imminent risk of harm to the child. *In re Sanders*, 495 Mich 394, 405 n 3; 852 NW2d 524 (2014). Additionally, respondents were properly found unfit after their adjudication trial under MCL 712A.2(b) because they did not provide the minor child with necessary care; there was a substantial risk of harm to the child's mental well-being, and their home was unfit. *Id*. at 404-406. And, once a parent has received a specific adjudication of unfitness, "the state can infringe the constitutionally protected parent-child relationship." *Id*. at 422. Accordingly, the perpetration of an actual crime was not necessary to permit petitioner to remove the minor child or to permit the trial court to acquire jurisdiction and terminate respondents' rights. *Id*. at 404-406, 422. Respondents' argument does not establish error. *In re Dearmon*, 303 Mich App 684, 693; 847 NW2d 514 (2014) (review is de novo regarding constitutional rights and jurisdictional challenges).

Within their statement of the questions presented, respondents challenge the trial court's findings of statutory grounds for termination under MCL 712A.19b(3)(c)(*i*), (c)(*ii*), and (j), and the trial court's finding that termination of their parental rights was in the minor child's best interests. Respondents, however, abandon those issues by not addressing them in their brief. *Prince v MacDonald*, 237 Mich App 186, 197; 602 NW2d 834 (1999). Moreover, because only one statutory ground for termination must be established, *In re Trejo Minors*, 462 Mich 341, 350, 360; 612 NW2d 407 (2000), respondents' failure to address whether the record supported termination of their parental rights pursuant to MCL 712A.19b(3)(g) precludes them from receiving relief in regard to the statutory grounds for termination.

Nevertheless, MCL 712A.19b(3)(j) provides that a trial court may terminate a parent's rights to a child if the court finds by clear and convincing evidence that "[t]here is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent." In this case, the minor child was removed from respondents' home after the child was physically caught between respondents while they were engaged in violent behavior. On one occasion, respondent mother used the child as a human shield. Respondents were referred to services to address their domestic relations and other barriers to reunification, but they refused to participate in those services. MCL 712A.19b(3)(j) considers both physical and emotional harm, In *re Hudson*, 294 Mich App 261, 268; 817 NW2d 115 (2011), and the minor child's counselor testified that if the minor child were returned to respondents, she would be at a substantial risk of emotional harm because they had not followed through with therapy or other services to help themselves. Also, a trial court may rely on a parent's history in finding a reasonable likelihood that a child would be harmed if returned to the parent's home. *In re Archer*, 277 Mich App 71, 75-76; 744 NW2d 1 (2007). The trial court did not clearly err in finding a statutory ground for termination under MCL 712A.19b(3)(j) regarding respondents. MCR 3.977(K); *Trejo Minors*, 462 Mich at 356-357.

Because only one statutory ground for termination must be established, *Trejo Minors*, 462 Mich at 360, and we affirm termination under (j), we do not address MCL 712A.19b(3)(c)(*i*), (c)(*ii*), or (g).

After a trial court has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights if it finds by a

preponderance of the evidence "that termination of parental rights is in the child's best interests[.]" MCL 712A.19b(5); see *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). Respondents' history of domestic violence, their failing to address that violence, and the minor child's need for stability weighed in favor of termination. *In re Olive/Metts Minors*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012); *In re Jones*, 286 Mich App 126, 131; 777 NW2d 728 (2009). Additionally, while respondents argue that the minor child expressed numerous times that she wanted to return to their care, the child's counselor testified that as the case progressed, the child stopped expressing that desire. The lack of evidence of a bond between the minor child and respondents weighed in favor of termination. *Olive/Metts Minors*, 297 Mich App at 41-42. The trial court did not clearly err in finding that termination of respondents' parental rights was in the minor child's best interests. MCR 3.977(K); *Trejo Minors*, 462 Mich at 356-357.

We affirm.

/s/ Michael J. Riordan
/s/ Henry William Saad
/s/ Jane E. Markey