

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
May 10, 2012

In the Matter of K. P. ZIEGLER, Minor.

No. 306358
Leelanau Circuit Court
Family Division
LC No. 10-008398-NA

Before: WHITBECK, P.J., and SAWYER and HOEKSTRA, JJ.

PER CURIAM.

Respondent appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (h), and (i). We affirm.

Respondent's argument that the trial court failed to make sufficient findings is without merit. The trial court is required to "state on the record or in writing its findings of fact and conclusions of law. Brief, definite, and pertinent findings and conclusions on contested matters are sufficient." MCR 3.977(I)(1). The purpose of this rule is to facilitate appellate review by giving this Court a clear understanding of the grounds for the decision so it can properly exercise and not exceed its power of review. Cf. *Commercial Constr Co v Elsman Enterprises, Inc*, 22 Mich App 238, 240; 177 NW2d 447 (1970); *Nicpon v Nicpon*, 9 Mich App 373, 378; 157 NW2d 464 (1968). The court's factual findings are sufficient as long as it appears that the court was aware of the issues in the case and correctly applied the law and appellate review would not be facilitated by requiring further explanation. Cf. *Triple E Produce Corp v Mastronardi Produce, Ltd*, 209 Mich App 165, 176; 530 NW2d 772 (1995). It is clear from the trial court's ruling that it did not simply conclude that respondent's parental rights should be terminated. Rather, it made specific findings of fact and determined that those facts clearly and convincingly supported termination under §§ 19b(3)(g), (h), and (i). The trial court's findings indicate that the court was aware of the issues in the case and its findings are sufficient to enable this Court to review the trial court's decision.

We review the trial court's findings of fact for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCR 3.977(K). "A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court's special opportunity to observe the witnesses." *In re BZ*, 264 Mich App 286, 296-297; 690 NW2d 505 (2004).

Respondent argues that "a number of the facts" found by the trial court "were not supported by clear and convincing evidence" and that other factual findings were not "supported

by evidence warranting termination of parental rights.” However, respondent does not identify the particular factual findings that he believes are erroneous and he fails to discuss the evidence as it relates to each statutory ground cited by the court.

The trial court found in part that termination was justified under § 19b(3)(i). Although the evidence clearly showed that respondent’s other child, AZ, became the subject of a child protective proceeding due to serious neglect and that respondent’s parental rights to AZ were subsequently terminated, the evidence did not show that the neglect of AZ was chronic. However, any error in relying on § 19b(3)(i) was harmless because the trial court found that respondent’s parental rights to AZ had been terminated after the initiation of child protective proceedings, and involuntary termination following the initiation of child protective proceedings, which is an element of § 19b(3)(i), is itself a basis for termination under § 19b(3)(1). Cf. *In re Jones*, 286 Mich App 126, 128-129; 777 NW2d 728 (2009); *In re Perry*, 193 Mich App 648, 650-651; 484 NW2d 768 (1992). “[T]his Court may affirm for reasons other than those stated by the trial court below when there is sufficient support in the record.” *Grove v Dep’t of Corrections*, 295 Mich App ___, ___ NW2d ___ (Docket No. 302640, issued December 6, 2011), slip op at 6 n 1. Because only one statutory ground for termination need be proven, *In re CR*, 250 Mich App 185, 207; 646 NW2d 506 (2002), any error with respect to the other statutory grounds was harmless. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Contrary to what respondent argues, petitioner was not required to prove that respondent would neglect his child for the long-term future as held in *Fritts v Krugh*, 354 Mich 97, 114; 92 NW2d 604 (1958), overruled on other grounds by *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993). That case predates the enactment of § 19b(3), which now sets forth the criteria for termination of parental rights.

Further, considering that respondent had no bond with the child and had not seen or financially supported her since August 2006, and that the child did not identify respondent as a member of her family and in fact would cry hysterically and act scared when respondent’s name was mentioned, the trial court did not clearly err in finding that termination of respondent’s parental rights was in the child’s best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich at 356-357.

We also reject respondent’s argument that termination was improper because petitioner failed to offer or provide services. Petitioner requested termination of respondent’s parental rights at the initial dispositional hearing. Because respondent’s parental rights to the child’s sibling were previously involuntarily terminated, petitioner was not required to provide reunification services. MCL 712A.19a(2); *In re Smith*, 291 Mich App 621, 623-624; 805 NW2d 234 (2011); *In re Terry*, 240 Mich App 14, 25 n 4; 610 NW2d 563 (2000).

Furthermore, given respondent’s history of substance abuse, lack of support for the child, lack of contact with the child since moving to Colorado in 2006, his incarceration and lack of bonding with the child, we are not persuaded that the trial court clearly erred in determining that termination of respondent’s parental rights was in the best interests of the child. *In re Trejo*, 462 Mich at 356-357.

Respondent also refers to various other principles applicable in child protective proceedings, but does not provide an analysis of each issue supported by appropriate legal authority. Accordingly, we decline to consider respondent's remaining argument. *Coble v Green*, 271 Mich App 382, 391; 722 NW2d 898 (2006).

Affirmed.

/s/ William C. Whitbeck

/s/ David H. Sawyer

/s/ Joel P. Hoekstra