STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
July 26, 2012

In the Matter of MCCOWAN/PLUMLEY, Minors.

No. 308258
Wayne Circuit Court
Family Division
LC No. 10-497472-NA

Before: TALBOT, P.J., and SERVITTO and M. J. KELLY, JJ.

PER CURIAM.

Respondent R. McCowan appeals by right the circuit court's order terminating his parental rights to the minor children under MCL 712A.19b(3)(b)(*i*), (g), (j), and (k)(*ii*). Because we conclude that there were no errors warranting relief, we affirm.

Initially, we reject respondent's contention that the trial court erred by failing to identify a statutory basis for its decision to terminate his parental rights. MCR 3.977(I)(3). Although the referee did not orally identify the statutory bases for her decision, she supplemented her ruling with a written recommendation in which she identified the statutory bases for the decision, and the trial court adopted that recommendation.

Next, the trial court did not clearly err in finding that §§ 19b(3)(b)(*i*), (j), and (k)(*ii*) were each established by clear and convincing legally admissible evidence. *In re Utrera*, 281 Mich App 1, 16-17; 761 NW2d 253 (2008); MCR 3.977(E)(3) and (K). Respondent's daughter testified that respondent repeatedly sexually assaulted her over a two-year period beginning when she was 13 years old, and also abused her mentally and physically. Although respondent asserts that the child was not credible, witness credibility is an issue for the trier of fact to resolve, *Morrison v Richerson*, 198 Mich App 202, 209; 497 NW2d 506 (1992), and the trial court found the child to be a credible witness. "It is not for this Court to displace the trial court's credibility determination." *In re HRC*, 286 Mich App 444, 460; 781 NW2d 105 (2009). Evidence that respondent repeatedly sexually abused one of his own children established that he presented a risk of harm to all of his children and could be expected to abuse or injure them if they were returned to his custody. *In re Jenks*, 281 Mich App 514, 517-518; 760 NW2d 297 (2008). Because termination was warranted under §§ 19b(3)(b)(*i*), (j), and (k)(*ii*), any error in relying on § 19b(3)(g) as an additional ground for termination was harmless. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Contrary to what respondent argues, petitioner was not required to provide reunification services before proceeding to termination. Under MCL 712A.19a(2), the Department of Human

Services must make reasonable efforts to reunify the family except in cases involving certain aggravated circumstances. See *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010). Aggravated circumstances include, as was found here, those situations where the parent is the suspected perpetrator of criminal sexual conduct involving penetration of the child or the child's sibling. MCL 722.638(1)(a)(*ii*) and (2). Therefore, petitioner was authorized to seek termination of respondent's parental rights at the initial dispositional hearing, MCL 722.638(2), and it was not required to provide reunification services. *In re HRC*, 286 Mich App at 463.

Respondent also claims that the trial court improperly denied his request to adjourn the termination hearing; specifically, he contends that, by proceeding with the hearing before the conclusion of his criminal trial, he essentially could not testify on his own behalf and could not confront his accuser. Respondent has not explained how the trial court's decision to proceed with the termination hearing impaired his right to confront the witnesses against him or to testify on his own behalf. Respondent also failed to cite any authority in support of this argument. Therefore, he has abandoned this claim of error.[1] *Berger v Berger*, 277 Mich App 700, 712; 747 NW2d 336 (2008) ("A party abandons a claim when it fails to make a meaningful argument in support of its position.").

Finally, the trial court did not clearly err in finding that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence showed that all the children except the youngest child will have reached adulthood by the time respondent is eligible for parole. The youngest child will be 17 years old, but there is no evidence that respondent ever had a significant relationship with her. He was not her biological father and he was sentenced to prison just two weeks after she was born. Furthermore, in light of the crimes respondent committed against his other daughter, the trial court did not clearly err in finding that termination was in the children's best interests.

There were no errors warranting relief.

Affirmed.

/s/ Michael J. Talbot
/s/ Deborah A. Servitto
/s/ Michael J. Kelly

[1] We note that the Sixth Amendment right to confront witnesses does not apply to child protective proceedings. See *In re Brock*, 442 Mich 101, 108; 499 NW2d 752 (1993).