

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRANDY SPRINGATE and
BRANDON SPRINGATE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LISA SPRINGATE and RICK THOMAS,

Respondent-Appellants.

UNPUBLISHED
April 18, 2000

No. 221099
Clare Circuit Court
Family Division
LC No. 98-000084-NA

Before: Gribbs, P.J., and Doctoroff and T.L. Ludington*, JJ.

MEMORANDUM.

Respondents appeal as of right a family court order terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(c)(i), (g) and (j). We affirm.

We do not believe that the trial court abused its discretion in admitting a witness' opinion concerning whether sexual abuse had in fact occurred, given that an adequate foundation of legally admissible evidence was laid. *In re Snyder*, 223 Mich App 85, 89-90; 588 NW2d 18 (1997). Furthermore, it is clear that any error in the admission of this evidence was harmless, considering that respondents were not principally contesting the existence of sexual abuse, only the identity of the perpetrator, and that the trial court's ultimate determination of sexual abuse was made on the basis of its own assessment of the others facts and circumstances indicative of sexual abuse, not the witness' opinion. See *In re Brimer*, 191 Mich App 401, 408; 478 NW2d 869 (1991).

Respondents next argue that the testimony of Dr. Coulborn should have been excluded because a videotape of a prior interview was not provided. However, because respondents do not cite any

* Circuit judge, sitting on the Court of Appeals by assignment.

authority in support of their brief argument, we deem this issue abandoned. *Prince v MacDonald*, 237 Mich App 186, 197; 602 NW2d 834 (1999).

Deferring to the trial court's assessment of credibility, we find no clear error in the court's decision to discount the testimony of Marty Paudrups on account of personal bias. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); MCR 2.613(C).

We likewise conclude that the family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller, supra*. Further, the court did not err in finding that termination of respondents' parental rights was not clearly contrary to the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the family court did not err in terminating respondents' parental rights to the children. *Id.*

Affirmed.

/s/ Roman S. Gibbs

/s/ Martin M. Doctoroff

/s/ Thomas L. Ludington