

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JASON FOSTER, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BRIAN FOSTER,

Respondent-Appellant.

UNPUBLISHED
December 9, 2004

No. 256895
Clinton Circuit Court
Family Division
LC No. 02-015676-NA

Before: Markey, P.J., and Fitzgerald and Owens, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court's order terminating his parental rights to the minor child under MCL 712A.19b(3)(g), (h), (j), (k)(ii), (k)(iii) and (n). We affirm. This case is being decided without oral argument under MCR 7.214(E)

Child protective proceedings were initiated in this case after respondent's stepdaughter, a minor, alleged that he had sexually abused her. Respondent was subsequently convicted of first-degree criminal sexual conduct and sentenced to a term of fifteen to fifty years' imprisonment. Respondent appealed his criminal conviction to this Court.¹ Following the criminal trial, petitioner filed a petition requesting the termination of respondent's parental rights to the minor child, respondent's son, under several statutory grounds, including subsection (h), which warrants termination where a parent's imprisonment will deny the child of a normal home life for a period exceeding two years. At the beginning of the termination trial respondent's counsel moved to adjourn the trial pending the outcome of his criminal appeal. The trial court denied the motion and proceeded with the termination trial, which resulted in the termination of his parental rights under several statutory grounds.

Respondent argues that the trial court should have granted his motion to adjourn the termination trial pending the outcome of his criminal appeal. We disagree. Adjournments in child protective proceedings are granted only for good cause after taking into consideration the

¹ At the time of this decision, this Court had not yet decided respondent's criminal appeal.

best interests of the child. MCR 3.923(G)(1) and (2). We review the trial court's decision on a motion for adjournment for abuse of discretion. *In re Jackson*, 199 Mich App 22, 28; 501 NW2d 182 (1993).

Only one statutory ground in MCL 712A.19b(3) must be met by clear and convincing evidence to terminate parental rights. *In re Jackson, supra* at 25. Although two of the statutory grounds on which the trial court relied to terminate respondent's parental rights, subsections (h) and (n), were conditioned upon his criminal conviction and imprisonment, the trial court also properly found additional grounds for termination under subsections (g), (j) and (k), which were clearly and convincingly established without giving consideration to respondent's conviction or sentence. Given that additional grounds for termination existed that were not conditioned on respondent's conviction or sentence, we fail to find good cause to adjourn the termination trial pending respondent's criminal appeal. In addition, given the severity of the sexual abuse allegations, we also find that adjourning the termination trial would not have been in the minor child's best interests. MCR 3.923(G)(1) and (2). Therefore, we find that the trial court did not abuse its discretion by denying counsel's motion for adjournment. *In re Jackson, supra* at 28.

Affirmed.

/s/ Jane E. Markey
/s/ E. Thomas Fitzgerald
/s/ Donald S. Owens