

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
January 29, 2013

In the Matter of THORNSBERRY, Minors.

No. 308615
Monroe Circuit Court
Family Division
LC No. 11-021963-NA

Before: RONAYNE KRAUSE, P.J., and CAVANAGH and BOONSTRA, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(g), (j), (n)(i), (n)(ii), and (n)(iii). We affirm.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence and that termination is in the best interests of the children. MCL 712A.19b(5); *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). The trial court's decision terminating parental rights is reviewed for clear error. MCR 3.977(K); *In re Trejo*, 462 Mich 341, 355-357; 612 NW2d 407 (2000); *Sours*, 459 Mich at 632-633. A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Termination of parental rights was proper under MCL 712A.19b(3)(g), (j), and (n)(i). Any error in finding MCL 712A.19b(3)(n)(ii) and (n)(iii) established was harmless because only one statutory ground needs to be established to terminate parental rights. *Sours*, 459 Mich at 632-633. At the time that his parental rights were terminated, respondent was incarcerated for criminal sexual conduct against his minor stepdaughter and unable to provide proper care and custody of his children. Before his incarceration, the home the children were removed from was deplorable and unsafe. There was also evidence that respondent was physically abusive to all of the children, having disciplined them with a belt. There was no evidence that respondent could maintain a clean, safe, or appropriate home for the children. Because evidence of how a parent treats one child is evidence of how he may treat other children, these children would be at risk of harm in respondent's care. See *In re AH*, 245 Mich App 77, 84; 627 NW2d 33 (2001). Given respondent's criminal history and his inability to maintain a safe and clean home, termination of parental rights was proper.

Respondent argues that termination of his parental rights was premature as he had not yet exhausted all avenues of appeal of his criminal convictions. Respondent argues that the status of his appeal was not properly considered. This contention is without merit. There was no evidence that respondent's criminal convictions by jury will be overturned or that his prison sentence will be reduced. In fact, the history of this case suggests the contrary as this Court has already reversed a trial court order, which granted respondent a new criminal trial based on his claim of ineffective assistance of counsel, and has reinstated his convictions. Moreover, because respondent failed to cite any authority that required the trial court to maintain a temporary wardship pending the appeal of his criminal convictions, he has abandoned this issue on appeal. *Berger v Berger*, 277 Mich App 700, 715; 747 NW2d 336 (2008). There is no authority requiring a court deciding a termination case to consider the strength of a respondent's appeal involving his criminal convictions or influence a temporary wardship pending an appeal. It is in the children's best interests not to delay their opportunity for permanency. Accordingly, the trial court did not err in terminating respondent's parental rights before resolution of his criminal appeal.

Affirmed.

/s/ Amy Ronayne Krause
/s/ Mark J. Cavanagh
/s/ Mark T. Boonstra