STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
May 16, 2013

In the Matter of KILBOURN, Minors.

No. 312289
Calhoun Circuit Court
Family Division
LC No. 12-000264-NA

Before: FORT HOOD, P.J., and FITZGERALD and O'CONNELL, JJ.

PER CURIAM.

Respondent-mother appeals as of right the order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(*ii*), (g), and (j). We affirm.

As an initial matter, we note that respondent's brief on appeal violates MCR 7.212(C)(6) and (7) where the statement of facts is almost non-existent and contains merely two citations to the record, and where none of the facts stated in the argument section of respondent's brief are supported by citations to the record. See *Kieta v Thomas M Cooley Law School*, 290 Mich App 144, 146 n 1; 799 NW2d 579 (2010); *Cvengros v Farm Bureau Ins*, 216 Mich App 261, 269; 548 NW2d 698 (1996). Moreover, a claim of error fails where the party asserting the claim "presents it as a mere conclusory statement without citation to the record, legal authority, or any meaningful argument." *Ewald v Ewald*, 292 Mich App 706, 726; 810 NW2d 396 (2011); see also *DeGeorge v Warheit*, 276 Mich App 587, 596; 741 NW2d 384 (2007) ("The appellant may not merely announce his or her position and leave it to this Court to discover and rationalize the basis for those claims."). In this case, each of respondent's three stated arguments are presented in an extremely cursory and conclusory manner, are void of any citation to the record or supporting authority, and fail to explain or rationalize respondent's claims of error. Accordingly, respondent has abandoned each of her arguments on appeal. *Ewald*, 292 Mich App at 726; *DeGeorge*, 276 Mich App at 596. Nevertheless, we have considered the issues presented and find them to be without merit.

"In order to terminate parental rights, the trial court must find by clear and convincing evidence that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met." *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011). "We review the trial court's determination for clear error." *Id.* "A finding is clearly erroneous if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made." *In re HRC*, 286 Mich App 444, 450; 781 NW2d 105 (2009). In this case, respondent challenges the trial court's findings as to the statutory grounds set forth in MCL 712A.19b(3)(g) and (j). Respondent fails to challenge the trial court's finding as to MCL 712A.19b(3)(b)(*ii*). On this basis alone, we affirm the existence of a statutory ground. *In re SD*, 236 Mich App 240,

247-248; 599 NW2d 772 (1999) (Termination will be affirmed on an unchallenged ground). Further, we find no clear error as to the trial court's findings under (3)(g) and (j).

The children at issue have lived with relative guardians since December of 2008, and the record reveals that respondent has had little, if any, contact with the children since that time. Each of the four minor children testified that while they were in respondent's care she failed to protect them from physical abuse at the hands of her boyfriends. The record reveals that one of these boyfriends sexually abused respondent's daughter, L., on multiple occasions. L. testified that respondent was aware of this abuse, but failed to take any protective measures and, as a result, L. suffered further sexual abuse. The record also establishes that the family home was without heat, electricity, and running water for a period of time. The children all testified that respondent forced them to go outside and gather snow to be melted into water for drinking, cooking, bathing, and cleaning. The children also testified that they were often hungry and that respondent would padlock the refrigerator door to limit the children's access to food. All of the children testified that they did not want to be reunited with respondent because they did not believe that she would provide them with proper care and protection. This evidence supports the trial court's finding of a statutory basis for termination under MCL 712A.19b(3)(g) (failure to provide proper care and custody) and (j) (child will be harmed if returned to parent). See *In re Archer*, 277 Mich App 71, 74-76; 744 NW2d 1 (2007).

Moreover, the trial court did not clearly err by finding that termination was in the children's best interests. *In re Hudson*, 294 Mich App 261, 264; 817 NW2d 115 (2011). All of the children testified that they did not want to be reunited with respondent, but instead wished to remain with their relative guardians. The children's case worker testified that they were doing "very well" and were happy with their relative guardians. Dr. Randall E. Haugen performed psychological evaluations on each child and opined that each child needed a stable and permanent environment. On the record before us, the trial court's best interest finding does not leave us "with a definite and firm conviction that a mistake has been made." *In re HRC*, 286 Mich App at 450. See *In re VanDalen*, 293 Mich App at 141; (holding that "[t]he evidence clearly supported the trial court's finding that termination was in the children's best interests" where "[t]he children had been placed in a stable home where they were thriving and progressing and that could provide them continued stability and permanency given the foster parents' desire to adopt them"). See also *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004).

In the "conclusion" section of her brief on appeal, respondent raises a cursory challenge to the sufficiency of her reunification services. Respondent never raised this issue before the trial court. On appeal, respondent fails to raise this issue in her statement of questions presented, and she does not support her challenge with any citation to the record or supporting authority. Respondent has abandoned any challenge to the sufficiency of her reunification services. See *In re Hudson*, 294 Mich App at 265 ("[R]espondent has provided no authority for such position and

we may thus deem this issue abandoned[.]"). Moreover, petitioner "is not required to provide reunification services when termination of parental rights is the agency's goal." *In re HRC*, 286 Mich App at 463.

Affirmed.

/s/ Karen M. Fort Hood
/s/ E. Thomas Fitzgerald
/s/ Peter D. O'Connell