

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JAKUBIEC, Minors.

UNPUBLISHED
October 22, 2013

No. 315663
Wayne Circuit Court
Family Division
LC No. 12-507958-NA

Before: SAAD, P.J., and SAWYER and JANSEN, JJ.

PER CURIAM.

Respondent appeals the trial court's order that terminated his parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(i), (g), (j), and (n)(i). For the reasons set forth below, we affirm.

Respondent fails to address the evidence supporting the termination of his parental rights pursuant to §§ 19b(3)(b)(i), (j), and (n)(i).¹ Accordingly, he has abandoned any challenge to these statutory grounds for termination. *Yee v Shiawassee Co Bd of Comm'rs*, 251 Mich App 379, 406; 651 NW2d 756 (2002); *Prince v MacDonald*, 237 Mich App 186, 197; 602 NW2d 834 (1999). Nonetheless, ample evidence supported termination of respondent's parental rights under §§ 19b(3)(b)(i), (j), and (n)(i). *In re Utrera*, 281 Mich App 1, 16-17; 761 NW2d 253 (2008); MCR 3.977(E)(3) and (K). Evidence showed that, for several months, respondent sexually abused his seven-year-old stepdaughter. After the child's mother discovered the abuse, respondent pleaded guilty to second-degree criminal sexual conduct, MCL 750.520c(1)(a). The minor children at issue here are near the same age as their sibling was when respondent began to

¹ MCL 712A.19b(3)(b)(i) states that a court may terminate parental rights if clear and convincing evidence shows that a sibling of the child has suffered sexual abuse "and the court finds that there is a reasonable likelihood that the child will suffer from injury or abuse in the foreseeable future if placed in the parent's home." MCL 712A.19b(j) states that termination is appropriate if "[t]here is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent." Subsection (n)(i) provides that the court may terminate parental rights if "the court determines that termination is in the child's best interests because continuing the parent-child relationship with the parent would be harmful to the child" and the parent is convicted of certain crimes, including criminal sexual conduct.

abuse her. Evidence also showed that respondent failed to complete sex offender treatment, he refused to accept responsibility for his actions and, instead, placed blame on the victim. Moreover, the record reveals that respondent has a history of substance abuse and significant mental health problems which would be helped by medication that he stopped taking.

A parent's treatment of one child is probative of how the parent is likely to treat other children. *In re Jackson*, 199 Mich App 22, 26; 501 NW2d 182 (1993); *In re Andeson*, 155 Mich App 615, 622; 400 NW2d 330 (1986). Again, respondent sexually abused his young stepdaughter and attempted to minimize his egregious conduct by suggesting she invited the abuse. This constitutes evidence that he is likely to abuse her siblings. The record supports the conclusion that a continuation of the parent-child relationship would be harmful to the children. Because the trial court did not clearly err in finding that grounds for termination were established under §§ 19b(3)(b)(i), (j), and (n)(i), we need not address whether the trial court correctly relied on § 19b(3)(g) as an additional ground for termination. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Respondent also disputes the trial court's best interests determination pursuant to MCL 712A.19b(5). We review this decision for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent posed a high risk of harm to the children and, indeed, a psychologist stated that respondent should not have contact with any children, including his own. The trial court did not clearly err in holding that termination of respondent's parental rights was in the children's best interests. See *In re Hudson*, 294 Mich App 261, 268-269; 817 NW2d 115 (2011); *In re Jenks*, 281 Mich App 514, 519; 760 NW2d 297 (2008).

Affirmed.

/s/ Henry William Saad

/s/ David H. Sawyer

/s/ Kathleen Jansen