

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRIANNA NICHOLE GUMP,
a/k/a BRIANA NICHOLE GUMP, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RICHARD E. GUMP,

Respondent-Appellant,

and

ROXANNE FINCHAM,

Respondent.

UNPUBLISHED

April 6, 1999

No. 206383

Branch Juvenile Court

LC No. 95-000022 NA

Before: O'Connell, P.J., and Jansen and Collins, JJ.

MEMORANDUM.

Respondent-appellant appeals by delayed leave granted from an order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). We affirm.

Section 19b(3)(g) provides for termination if the court finds, by clear and convincing evidence, that “[t]he parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the age of the child.” In this case, the juvenile court did not clearly err in finding that this statutory grounds for termination was established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). We agree with the juvenile court that respondent-appellant’s history of sexual misconduct with children, in light of respondent-

appellant's insistence that this behavior has never been a problematic, establishes that there is no reasonable expectation that he will be able to provide proper care for the child within reasonable time.

Because only one statutory ground for termination need be established, MCL 712A.19b(3); MSA 27.3178(598.19b)(3), we need not reach the issue whether termination was appropriate pursuant to the other statutory ground cited. Further, respondent-appellant failed to show that termination of his parental rights was "clearly not" in the minor child's best interests. MCL 712.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the juvenile court did not err in terminating respondent-appellant's parental rights to the child. *Id.*

Affirmed.

/s/ Peter D. O'Connell

/s/ Kathleen Jansen

/s/ Jeffrey G. Collins