

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LEO J. WINBUSH and JOSIAH
WINBUSH, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
March 21, 2006

Petitioner-Appellee,

v

LEO WINBUSH,

Respondent-Appellant,

and

ARETHINA WINBUSH,

Respondent.

No. 264641
Wayne Circuit Court
Family Division
LC No. 05-439529-NA

Before: Neff, P.J., and Saad and Bandstra, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(b)(i), (b)(ii), (g), (i), (j), (k)(iv) and (k)(v). We affirm.

Respondent-appellant contends that the trial court erred in finding that clear and convincing evidence supported termination of his parental rights under MCL 712A.19b(3)(g) and (j), though he does not challenge the trial court's decision to terminate his parental rights under MCL 712A.19b(3)(b)(i), (b)(ii), (i), (k)(iv) and (k)(v).¹ We note that the trial court need only

¹ The trial court clearly erred in terminating respondent-appellant's parental rights under MCL 712A.19b(3)(i), (k)(iv), and (k)(v) because the evidence did not support termination on these grounds. However, these errors were harmless because the trial court properly based termination of respondent-appellant's parental rights on other statutory grounds. *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

find clear and convincing evidence to terminate under one of the subsections of MCL 712A.19b(3). *In re Trejo Minors*, 462 Mich 341, 344; 612 NW2d 407 (2000).

Contrary to respondent-appellant's contentions, the trial court did not clearly err in finding that termination of his parental rights was warranted on the grounds that he failed to provide proper care or custody for the children and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that it was reasonably likely that the children would be harmed if returned to his home, MCL 712A.19b(3)(j). The evidence clearly and convincingly established that respondent-appellant and/or his wife intentionally inflicted second- and third-degree burns upon the oldest child, who also bore marks and bruises from prior whippings. If these injuries were not caused by respondent, he was negligent in failing to prevent continuing harm to the child. After a Child Protective Services worker discovered the child's severe burns, he instructed respondent-appellant and his wife to obtain medical treatment for the injuries. However, the couple failed to get adequate medical care until three days later when they were ordered to take the child to a hospital burn unit. In addition, respondent-appellant had a history of domestic violence, owed over \$82,000 in child support for two other children, and had been cited in the past for child neglect.

We also hold that the trial court did not clearly err in determining that termination was not contrary to the best interests of the children. MCL 712A.19b(5); *Trejo, supra* at 357.

We affirm.

/s/ Janet T. Neff
/s/ Henry William Saad
/s/ Richard A. Bandstra