

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of HARDESTY, Minors.

UNPUBLISHED
May 29, 2014

No. 316901
Livingston Circuit Court
Family Division
LC No. 2011-013701-NA

Before: STEPHENS, P.J., and HOEKSTRA and METER, JJ.

PER CURIAM.

Respondent father appeals as of right the order terminating his parental rights to the minor children, MH and DH. We affirm.

I. BACKGROUND

Respondent father and respondent mother, who is not a party to this appeal, married in July 2000 and divorced in October 2006. They continued an on-again/off-again relationship after their divorce. They had a high conflict relationship as intimates and as parents of MH and DH. There were numerous instances of domestic violence, several personal protection orders and a series of complaints to Children's Protective Services (CPS) regarding sexual abuse of MH. Additionally, there was a long history of substance abuse by the respondent father.

Of the three complaints filed with CPS, only the third was substantiated and led to court involvement. The first complaint came in April 2008. Forensic interviews and medical examinations followed the 2008 complaint but failed to substantiate sexual abuse. The second complaint was made in November 2010. CPS conducted an investigation that included a medical examination. The examination revealed MH to have abnormal redness in her vaginal area and a vaginal opening that was larger than normal. However, the examination could not confirm abuse and MH made no disclosures, so this complaint was also unsubstantiated. On January 19, 2011, CPS received the third sexual abuse complaint for this family, and this time MH disclosed during an interview on January 21, 2011, that her father, the respondent, put his hands down her underwear on her skin and touched her buttocks, and that he sometimes rubbed her buttocks; MH indicated it had happened 10 times.

In February 2011, petitioner, Department of Human Services (DHS), filed a petition seeking jurisdiction over the children. Respondent father later pled to an amended petition which did not include the allegations of sexual abuse. The trial court ordered petitioner to initiate services in the form of therapy, parenting classes and evaluations for substance abuse and

sexual offender risk behaviors. Respondent father participated. Respondent father initially had supervised visitation. However, visitation was suspended when the children began to exhibit concerning behaviors after each visit. MH had bouts of enuresis and regressed to baby talk. DH became angry, belligerent and fought with MH. These behaviors ceased after visitation was suspended.

Petitioner filed a permanent custody petition after the children were in care for nearly eighteen months. At the lengthy termination hearing, the trial court heard from therapists, DHS workers, evaluators who assessed the family, extended family members, respondent, and the children themselves. Much of the testimony focused on the sexual abuse of MH who had disclosed several incidents of sexual abuse to her therapist during wardship. MH gave emotional testimony regarding the abuse during the permanent custody hearing.

The trial court found MH was sexual abused, DH was affected by the abuse, and that it was not in the best interests of either child to maintain a parental bond with respondent father. The court also found by clear and convincing evidence that termination of respondent father's parental rights was warranted under MCL 712A.19b(3)(b)(i), (c)(i)¹, (g), and (j). Respondent father's motion for a rehearing was considered and denied. He now appeals to this Court for review and relief.

II. STATUTORY GROUNDS FOR TERMINATION

Respondent father argues that the trial court clearly erred in finding that petitioner proved by clear and convincing evidence that grounds for termination of parental rights existed under MCL 712A.19b(3)(b)(i), (c)(i), (g), and (j). We disagree.

This Court reviews for clear error a trial court's decision that a ground for termination has been proven by clear and convincing evidence. MCR 3.977(K); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). "A trial court's decision is clearly erroneous if although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *In re Olive/Metts Minors*, 297 Mich App 35, 41; 823 NW2d 144 (2012) (internal quotation marks and citation omitted). "Clear error signifies a decision that strikes [this Court] as more than just maybe or probably wrong." *In re Williams*, 286 Mich App 253, 271; 779 NW2d 286 (2009). "Due regard is given to the trial court's special opportunity to judge the credibility of witnesses." *In re LE*, 278 Mich App 1, 18; 747 NW2d 883 (2008); see also MCR 2.613(C).

"Termination of parental rights is appropriate when the [Department of Human Services (DHS)] proves one or more grounds for termination by clear and convincing evidence. It is only necessary for the DHS to establish by clear and convincing evidence the existence of one statutory ground to support the order for termination of parental rights." *In re Frey*, 297 Mich App 242, 244; 824 NW2d 569 (2012) (citations omitted). "If a statutory ground for termination

¹ Respondent father's appellate brief assumes that the trial court terminated his parental rights pursuant to MCL 712A.19b(3)(c)(ii), but the trial court did not cite this provision in its termination decision, and instead referred to MCL 712A.19b(3)(c)(i). We will analyze the issue under the provision on which the trial court's decision was based.

is established and the trial court finds ‘that termination of parental rights is in the child’s best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made.’” *In re Ellis*, 294 Mich App 30, 32-33; 817 NW2d 111 (2011), quoting MCL 712A.19b(5). Also, “[i]f . . . termination is sought on the basis of grounds new or different from those that led the court to assert jurisdiction over the children, the grounds for termination must be established by legally admissible evidence.” *In re Jenks*, 281 Mich App 514, 516; 760 NW2d 297 (2008), citing MCR 3.977(F)(1)(b).

The first ground for termination at issue here is MCL 712A.19b(3)(b)(i), which provides for termination where:

(b) The child or a sibling of the child has suffered physical injury or physical or sexual abuse under 1 or more of the following circumstances:

(i) The parent’s act caused the physical injury or physical or 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.

In *In re HRC*, 286 Mich App 444, 460; 781 NW2d 105 (2009), this Court upheld a termination of the respondent’s parental rights over all of his children under MCL 712A.19b(3)(b)(i) where the evidence showed that the respondent sexually abused at least two of his daughters, SRC and HRC. This Court reasoned:

Although [the respondent] denied sexually abusing the children, the trial court apparently believed the testimonies of SRC and HRC, both of whom asserted that [the respondent] sexually abused them. It is not for this Court to displace the trial court’s credibility determination. Further, [the respondent’s] treatment of SRC and HRC is probative of how he will treat their other siblings. And MCL 712A.19b(3)(b)(i) specifically states that it applies to a child on the basis of the parent’s conduct toward the child’s siblings. Thus, because grounds for termination of [the respondent’s] parental rights were established under at least MCL 712A.19b(3)(b)(i), termination of his rights to all the children is proper. [*In re HRC*, 286 Mich App at 460-461 (citations omitted).]

Here, the trial court found credible MH’s testimony indicating that she was sexually abused by respondent father. MH’s testimony regarding the abuse was detailed and graphic. In finding MH’s testimony regarding the sexual abuse credible, the trial court explained in detail its impressions of MH’s demeanor:

We then went into talking about the incident and wanting to get into the disclosure. I noted that the child at that time started covering her eyes, was crying. She took long pauses. And took – at some point in time you didn’t think she was going to answer the question. But I just left it in silence, the prosecutor didn’t push it. [The prosecutor] was doing the examining at that time. And slowly she did start to answer. She said that she had told her brother what had happened. She said that her [sic] and dad were on a couch, they were watching a show. She continued to cry and wipe her eyes; she was very upset but was not

hysterical here in the courtroom. She testified that her dad had touched her on her private parts where she goes to the bathroom. She said she probably had pajamas, that he touched her on the skin. That she felt it. She said it felt like a bad feeling.

The court also explained the importance of gestures that MH made when responding to the court's questioning:

I then asked her about whether it was an accident or not. I've done these trials with children. I've seen how difficult it can be for some of them. There can be inconsistencies with some written reports and their testimony. But then this, this child did something when I asked her that was expressive and in my opinion spontaneous. It hit home at what I feel is the truth in this case. And that is I asked her was this an accident with your dad, which in essence is offering a child a way out. And the child was very expressive and made gestures. And indicated – she was very firm. . . . And testified that no it was not an accident and she demonstrated to the Court a sliding motion over her private areas. She said this is an accident and repeated it several times. Sort of a sliding gestures [sic] and I commented as sliding. And then she made a gesture of her hand squeezing back and forth and together in essence indicating to the Court that that is what her father had done to her.

On appeal, respondent father essentially challenges the trial court's credibility determination by asserting that MH had not consistently disclosed the abuse, that she may have been coached by the maternal grandmother, and that respondent father's forensic psychology and child interview expert, Dr. Daniel Swerdlow-Freed, questioned whether MH was disclosing an event that she actually experienced.. "It is not for this Court to displace the trial court's credibility determination." *In re HRC*, 286 Mich App at 460.

Moreover, Dr. Swerdlow-Freed acknowledged empirical studies showing that in most cases, child sexual abuse is not immediately reported and disclosure is often delayed by months or years, and that a delay in disclosure and inconsistent reporting of sexual abuse are not uncommon and do not by themselves indicate fabrication. Likewise, MH's therapist, Megan Branstetter, an expert in child assessment, trauma focus, and cognitive behavioral therapy, stated that, in her experience, it was common for child victims of incest to delay reporting the incest or not to disclose the incest when questioned. Branstetter indicated that MH seemed to express fears about respondent father learning of what MH would share with Branstetter. Nonetheless, a point came in the therapeutic relationship when MH disclosed the abuse to Branstetter; MH never recanted, although there were times she did not want to talk about it. Further, MH initially disclosed the abuse to her brother, DH, before telling others and before being placed with the maternal grandmother, which undercuts respondent father's theory of coaching by the maternal grandmother. DH's testimony that MH told him about the abuse corroborated MH's testimony. Given that DH missed respondent father and still wanted to see him, it was reasonable to infer that DH had no reason to falsely testify regarding the abuse disclosure. We find no basis to question the trial court's credibility determination.

Respondent father's treatment of MH is also probative of how he will treat MH's sibling, DH. *In re HRC*, 286 Mich App at 460-461. "MCL 712A.19b(3)(b)(i) specifically states that it

applies to a child on the basis of the parent's conduct toward the child's siblings." *Id.* at 461. Evidence was admitted of inappropriate behavior by respondent father with respect to DH, including that respondent father "French kissed" DH multiple times when DH was a baby and made an inappropriate sexual comment and gesture in reference to DH when preparing to give him a bottle. There was evidence that both DH and MH engaged in sexualized behaviors soon after they came to live with the maternal grandmother during the pendency of this case. DH and MH both suffered emotional harm in reference to these behaviors, as both children cried when DH was told to get off of MH.

The record supports finding that a reasonable likelihood exists that the children will suffer from injury or abuse in the foreseeable future if placed in respondent father's home. There was evidence that respondent father continued to behave inappropriately during the pendency of this case and at the time of the termination hearing. Respondent father inappropriately allowed the children to sleep in the same bed with him while they were staying with the paternal grandmother, and he improperly picked up MH in the parking lot so she could see his vehicle after a supervised parenting time session, contrary to rules regarding appropriate boundaries. The maternal grandmother also testified that during a lunch break in the termination hearing, respondent father walked by the maternal grandmother and respondent mother in the parking lot and made a sexual gesture with his hand and his mouth to simulate fellatio. Overall, given respondent father's sexual abuse of MH, his inappropriate comments and actions relative to DH, the children's sexualized behavior when they came to live with the maternal grandmother, and respondent father's continuing inappropriate behavior throughout the pendency of this case, the trial court did not clearly err in finding that the basis for termination under MCL 712A.19b(3)(b)(i) had been proven by clear and convincing evidence.

The next ground for termination at issue here is MCL 712A.19b(3)(c)(i), which provides for termination where:

(c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the following:

(i) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

It is undisputed that respondent father was a respondent in a proceeding under this chapter, and that more than 182 days have elapsed since the issuance of an initial dispositional order.

Further, the conditions that led to the adjudication continued to exist. After multiple amended petitions were filed, respondent father ultimately pleaded responsible to an amended petition that addressed, *inter alia*, his lack of housing stability and failure to set appropriate personal boundaries regarding the children.

The record reflects that at the time of the termination hearing, respondent continued to have unstable housing. He had a month-to-month lease for a home and claimed his mother

helped pay rent, but provided no documentation regarding how the rent was paid each month. Respondent father provided DHS with only three paycheck stubs dated in July and August 2012, which showed income that did not even cover his \$850 monthly rent. Moreover, respondent father was in potential violation of his lease agreement by allowing his girlfriend and her two children to live in his home, given that the lease agreement specifically identified what children should be in the home and named only DH and MH.

Respondent father also continued to demonstrate a failure to appreciate and respect appropriate boundaries with the children. As discussed, respondent father improperly picked up MH in the parking lot after a supervised parenting time session, in violation of the parenting time rules. At the termination hearing, respondent father stated that he only “accidentally” picked up MH after a supervised parenting time session because “[s]he was like please pick me up, please” when she could not see respondent father’s car in the parking lot. Also, during the supervised parenting time, Dr. Charlene Kushler, who supervised the parenting time sessions, told respondent father not to allow MH to sit on his lap because appropriate physical boundaries were needed. Respondent father responded that he thought it was okay for MH to sit on his lap because the sexual abuse issue had been resolved. Also, at the supervised parenting time session with Dr. Kushler, respondent father inappropriately gave DH his telephone number. Overall, respondent father continued to fail to set or appreciate appropriate boundaries with the children.

Branstetter, the children’s therapist, testified that the children needed stability, consistency, and permanency, and that their development had already been affected by their wait for permanency. Both children testified that they wanted the case to be over with so that they knew with whom they would be living. The trial court did not clearly err in finding that the conditions that led to the adjudication continued to exist and there was no reasonable likelihood they would be rectified within a reasonable time considering the children’s ages.

The next ground for termination in this case is MCL 712A.19b(3)(g), which requires a court to find 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 child’s age.” “A parent’s failure to participate in and benefit from a service plan is evidence that the parent will not be able to provide a child with proper care and custody.” *In re White Minors*, ___ Mich App ___; ___ NW2d ___ (2014) (slip op at 4) (footnote omitted); see also *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003); *In re Trejo Minors*, 462 Mich at 360-361 n 16.

Here, the court ordered respondent father to comply with a parent/agency treatment plan, which required that he submit to psychological and substance abuse evaluations, attend parenting skills classes, engage in communication therapy, find stable housing, find employment that would enable him to support the children, and follow the recommendations of all treatment providers. The court specifically ordered respondent father to comply with all of the recommendations contained in the report of Dr. Kushler, who performed a psychological evaluation of respondent father. Dr. Kushler recommended that respondent father be seen in weekly dialectical behavioral therapy (DBT) for six months because of emotional dysregulation and distress intolerance, and that his therapist work an additional six months on respondent father’s tendency to deny problems or admit shortcomings, and address his anxiety, depression, intolerance for frustration that made him easily reactive, lack of coping skills, impulsivity,

immature/unreflective style, high dependency needs, and naïve expectations of others. Further, Dr. Kushler recommended that respondent father contact his treating physicians to discuss non-addictive options for his medications that did not impair his cognitive, emotional, and behavioral functioning, and that respondent father undergo random drug testing. Finally, Dr. Kushler recommended one-on-one weekly parenting classes to work on empathy, sensitivity to his children, and communication skills. The court later entered another order requiring respondent father to comply with all of the above requirements, including individual weekly DBT, substance abuse treatment, random drug and alcohol screens with no positive or missed screens, no use of non-prescribed medications, use of non-addictive options for prescribed medications, participation in one-on-one parenting skills training with Renee Jones, completion of a parenting skills class approved by DHS, and completion of a psychosexual evaluation; the court also required respondent father to benefit from the services ordered.

The trial court did not clearly err in finding clear and convincing evidence that respondent father failed to comply with or benefit from the case service plan. Respondent father participated in therapy as required by Dr. Kushler's psychological evaluation, but his intolerance for frustration that made him easily reactive was not successfully addressed, as demonstrated in his inappropriate sexual gestures to the maternal grandmother during a lunch break in the termination hearing. The trial court found that respondent father essentially engaged in "feel good therapy" with his therapist Dr. Jerry Csokasy, whose testimony in support of respondent father was found unpersuasive by the court. The court noted that Dr. Csokasy came across as more of a friend of respondent father than a professional therapist. Indeed, Dr. Csokasy admitted that much of respondent father's purported therapy involved respondent father simply using the sessions to vent his feelings while exploring the sense that his children needed to be returned to him. At the termination hearing, respondent father confirmed that he did not work with Dr. Csokasy on impulsivity or having an immature and unreflective style. Dr. Csokasy acknowledged that respondent father's behavior of simulating fellatio to the maternal grandmother and respondent mother during a lunch break of the termination hearing showed that he was impulsive and lacked appropriate coping skills, maturity, and a reflective style in dealing with issues.

Respondent father had engaged in therapy, but there was evidence presented at the termination hearing that he had not benefitted from it. Dr. Steven R. Miller's psychosexual evaluation report indicated that respondent father likely had poor judgment, lapses of forethought, and defective impulse controls. Linda Broome, the DHS foster care and licensing worker, testified that respondent father's behavior was consistent with that assessment, pointing to incidents where the respondent father: (1) made a lewd hand gesture to the maternal grandmother outside the courthouse during a lunch break in the termination hearing; (2) followed respondent mother in October 2012 and yelled at her; and (3) became angry quickly when Broome made an unannounced visit to his home. In Broome's view, respondent father's behavior demonstrated his continued difficulties with coping skills, retaining attention, mental focus, and maintaining emotional and cognitive stability. Broome indicated that respondent father told her that he did not believe he did anything wrong and therefore, did not feel that he needed a lot of the services he was referred to, and consequently, was not open to benefitting from those services.

Respondent father also failed to demonstrate he benefitted from his parenting therapy with Jones. According to Jones, he was resistant and had a difficult time admitting personal shortcomings, which was a barrier to receiving the benefits of therapy. Jones stated in her report, and respondent father confirmed at the termination hearing, that he did not feel he needed the parenting classes and did not know why he had to attend them. Respondent father further testified that he did not think he needed work or help in any area of parenting. He failed to complete the one-on-one parenting class recommended by Dr. Kushler, although he did receive a “Father’s Only Parenting Class” certification for a different class.

Respondent father also failed to comply with elements of his service plan addressing substance abuse. Broome indicated that if he continued to use substances, he would lack the ability to adequately parent his children due to the effects on his thinking and cognitive ability. It was an important part of the service plan for respondent father to address his substance abuse issues. He was required to follow the recommendations of a substance abuse assessment to screen randomly twice a week to prove that he was not using addictive drugs. Respondent father’s doctor provided non-addictive alternative medications for him. Yet respondent father tested positive for opiates on several dates in 2012 and 2013. He also missed a few drug screens in 2012. The only documentation of prescription medication received from respondent father was in March 2011. He was also required to participate in a weekly support group, which was an important part of therapy, but Broome received no documentation that he did so. Broome also never received a copy of respondent father’s recovery plan, which he was supposed to develop as part of his outpatient substance abuse treatment.

Respondent father failed to also maintain stable housing and employment sufficient to support his children. His only documented income consisted of three paycheck stubs submitted in July and August 2012, which reflected insufficient income to pay his monthly rent. As discussed, respondent father potentially violated his month-to-month rental agreement by having his girlfriend’s children live in the home which jeopardized the stability of his housing.

Overall, the record supports the trial court’s finding that respondent father failed to comply with or benefit from his case service plan, which is evidence that he will not be able to provide proper care and custody for the children. *In re White Minors*, ___ Mich App at ___ (slip op at 4). The trial court did not clearly err in finding termination warranted under MCL 712A.19b(3)(g).

The final ground for termination in this case is MCL 712A.19b(3)(j), which requires a court to find by clear and convincing evidence that “[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.” Harm includes both physical harm and emotional harm. *In re Hudson*, 294 Mich App 261, 268; 817 NW2d 115 (2011). “[A] parent’s failure to comply with the terms and conditions of his or her service plan is evidence that the child will be harmed if returned to the parent’s home.” *In re White Minors*, ___ Mich App at ___ (slip op at 5) citing MCL 712A.19b(3)(j) (footnote omitted). As discussed, the trial court did not clearly err in crediting MH’s testimony that she was sexually abused by respondent father, and there was evidence that both children exhibited sexualized behaviors shortly after coming into the maternal grandmother’s care, causing them emotional harm. Respondent father’s failure to comply with and benefit from his service plan, his testing positive for opiates in 2012 and 2013, and his

continuing inappropriate behavior in numerous contexts summarized above suggests a reasonable likelihood that the children will be harmed if returned to respondent father's home. Further, there was evidence that the children exhibited concerning behaviors around the time of supervised parenting time sessions with respondent father, including MH wetting her bed and becoming anxious and clingy, and DH becoming belligerent and picking fights with MH. The children returned to normal when respondent father's parenting time sessions were discontinued. Respondent father failed to respect appropriate boundaries in parenting time sessions by picking up MH in the parking lot and by giving DH his phone number. Thus, the trial court did not clearly err in finding a reasonable likelihood that the children would be harmed if returned to respondent father's home.

III. BEST INTERESTS DETERMINATION

Respondent father next argues that the trial court clearly erred in finding that termination of parental rights was in the best interests of the children. We disagree.

This Court reviews the trial court's best interest determination for clear error. *In re Olive/Metts Minors*, 297 Mich App at 40. Whether termination is in a child's best interests is determined by a preponderance of the evidence standard, rather than the clear and convincing evidence standard used to determine whether a statutory ground for termination has been met. *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). This Court also reviews for clear error whether the trial court failed to address a significant difference between each child's best interests. *In re White Minors*, ___ Mich App at ___ (slip op at 8) (footnote omitted).

"Once a statutory ground for termination has been proven, the trial court must find that termination is in the child's best interests before it can terminate parental rights." *In re Olive/Metts Minors*, 297 Mich App at 40, citing MCL 712A.19b(5). "In deciding whether termination is in the child's best interests, the court may consider the child's bond to the parent, the parent's parenting ability, the child's need for permanency, stability, and finality, and the advantages of a foster home over the parent's home." *Id.* at 41-42 (internal quotation marks and citations omitted). "The trial court may also consider a parent's history of domestic violence, the parent's compliance with his or her case service plan, the parent's visitation history with the child, the children's well-being while in care, and the possibility of adoption." *In re White Minors*, ___ Mich App at ___ (slip op at 6) (footnote omitted). A child's placement with relatives weighs against termination, and the fact that a child is living with relatives is a factor to be considered in determining whether termination is in the child's best interests. *In re Olive/Metts Minors*, 297 Mich App at 43, citing MCL 712A.19a(6)(a) and *In re Mason*, 486 Mich 142, 164; 782 NW2d 747 (2010). "A trial court's failure to explicitly address whether termination is appropriate in light of the children's placement with relatives renders the factual record inadequate to make a best-interest determination and requires reversal." *In re Olive/Metts Minors*, 297 Mich App at 43.

In *In re Olive/Metts Minors*, 297 Mich App at 43-44, this Court held that the trial court must consider each child's best interest individually. Recently, in *In re White Minors*, ___ Mich App at ___ (slip op at 7) (footnotes omitted; emphases in original), this Court clarified the holding in *In re Olive/Metts Minors*:

In *In re Olive/Metts Minors*, the trial court clearly erred by failing to consider the individual best interests of the children because it failed to address that some of the children were placed with relatives and others were not. Notably, the Court held that the trial court clearly erred for failing to distinguish between two *groups* of children – the younger children, who were placed with relatives, and the older children, who were not. The younger children’s placement with relatives was a significant basis for distinguishing them from the older because a trial court *must* address a child’s placement with relatives.

We conclude that this Court’s decision in *In re Olive/Metts Minors* stands for the proposition that, if the best interests of the individual children *significantly* differ, the trial court should address those differences when making its determination of the children’s best interests. It does not stand for the proposition that the trial court errs if it fails to explicitly make individual and – in many cases – redundant factual findings concerning each child’s best interests.

Here, the trial court did not clearly err in finding that termination was in the best interests of both children. The trial court acknowledged evidence that a strong parental bond existed between the children and respondent father that could not be set aside lightly. The court nonetheless found that termination was in the children’s best interests, based on respondent father’s sexual abuse of MH and the related testimony and findings. The trial court properly considered respondent’s sexual abuse of MH in assessing the best interests of the children, as the abuse reflected deficiencies in respondent father’s parenting ability and the advantages of the foster home over respondent father’s home. There was evidence of sexualized behaviors and emotional harm on the part of both children shortly after being placed with the maternal grandmother. Also, the trial court incorporated and adopted its findings from the termination hearing for the purpose of its best interest analysis. As discussed, respondent father failed to comply with and benefit from the case service plan. Broome testified that the children’s needs were being met in their placement in the maternal grandmother’s home. The children regularly attended school, they were provided with appropriate boundaries, their health needs were met, and they attended therapy. The children’s therapist, Branstetter, likewise testified that the children were doing much better in school, extracurricular activities, and socially, and all of their basic needs were being met in their current placement. The children wanted to know where they would be staying or going. Branstetter testified that it was important for the children to have stability, consistency, and permanency in order to thrive in all areas of their lives. Their development had already been affected by waiting for permanency. Overall, the record supports the finding that termination was in the children’s best interests.

Citing *In re Olive/Metts Minors*, respondent father asserts that the trial court failed to provide a best interest analysis with respect to DH, who was strongly bonded to respondent father. We disagree. The trial court acknowledged the strong bond that *both* children had with respondent father but found that termination was nonetheless in the children’s best interests in light of respondent father’s sexual abuse of MH. That is, the court’s best-interest analysis was not confined to MH but pertained to both children. An implicit premise of respondent father’s argument seems to be that his abuse of MH has no relevance with respect to DH’s best interests. But as discussed, there was evidence of sexualized behaviors and related emotional harm on the part of both children, and both children exhibited troubling behaviors associated with respondent

father's supervised parenting time. The court incorporated its earlier findings that pertained to both children. Respondent father offers no further argument concerning why more individualized best interest analyses were required for each child. On these facts, we conclude that the best interests of the children did not *significantly* differ, and the trial court did not err in failing to explicitly make individual and likely redundant factual findings regarding each child's best interests. *In re White Minors*, ___ Mich App at ___ (slip op at 7).

Finally, respondent father implies that the trial court failed to consider the fact that the children were placed with a relative. This argument is presented in a cursory fashion and is thus abandoned. *Charles A Murray Trust v Futrell*, 303 Mich App 28, 57 n 11; 840 NW2d 775 (2013). In any event, the argument lacks merit. The trial court explicitly addressed the relative placement and the governing case law in the course of making its best-interest determination concerning respondent mother, and in that context again referenced its best-interest determination with respect to respondent father. That is, the court explicitly referred to its previous best-interest determination regarding respondent father, including the sexual abuse, when it discussed the relative placement. Therefore, we conclude that the trial court did not fail to explicitly address whether termination is appropriate in light of the children's placement with a relative. Hence, reversal is not required. *In re Olive/Metts Minors*, 297 Mich App at 43.

Affirmed.

/s/ Cynthia Diane Stephens

/s/ Joel P. Hoekstra

/s/ Patrick M. Meter