

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JADEN ALEXANDER PARKS,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DONALD ALLAN PARKS,

Respondent-Appellant.

UNPUBLISHED

March 21, 2006

No. 265805

Cass Circuit Court

Family Division

LC No. 04-000257

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

MEMORANDUM.

Respondent appeals as of right the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(j) and (k)(vi).¹ We affirm.

Respondent argues that the trial court erred in denying his motion for adjournment. He claims that he could not testify at the termination proceeding because his criminal trial was only days later and he feared incrimination. The grant or denial of an adjournment is reviewed for an abuse of discretion. *In re Jackson*, 199 Mich App 22, 28; 501 NW2d 182 (1993). An adjournment in a child protective proceeding may be granted only for good cause and only after the trial court considers what is in the child's best interest. MCL 712A.17(1)(b). The allegations in respondent's criminal trial were the same allegations that brought the child under the trial court's jurisdiction. Therefore, any testimony that respondent could offer to defend himself against the allegations in the petition would not have been incriminating in the criminal trial. Additionally, the child was entitled to a speedy resolution of the issue.

Contrary to respondent's assertions, the trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). At the termination trial, a detective testified

¹ Although the trial court referenced MCL 712A.19b(3)(g) in its findings, it was clear that MCL 712A.19b(3)(j) was the subsection that was utilized.

that respondent confessed that he shook and beat the child's half-sibling, causing the sibling's death. Therefore, there was sufficient evidence to support termination under MCL 712A.19b(3)(j) and (k)(vi).

Having found that there was a statutory basis for termination, the trial court was required to terminate respondent's parental rights unless there was clear evidence on the whole record that termination was not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 357; 612 NW2d 407 (2000). There was no evidence presented at trial that termination was not in the child's best interests.

We affirm.

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