

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of KYLE PATRICK LALONE and  
KRISTOPHER JOSEPH LALONE, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KEVIN ALLEN LALONE,

Respondent-Appellant.

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UNPUBLISHED

December 22, 2009

No. 291601

Oakland Circuit Court

Family Division

LC No. 07-736421-NA

Before: Donofrio, P.J., and Sawyer and Owens, JJ.

PER CURIAM.

Respondent appeals as of right the order terminating his parental rights to his minor children under MCL 712A.19b(3)(b)(i) (parent caused physical or sexual abuse and reasonable likelihood of future injury or abuse), (g) (failure to provide proper care and custody), (j) (likelihood of harm if returned), and (k)(ii) (sexual abuse involving penetration). Because the trial court did not err when it found statutory grounds to terminate respondent's parental rights and because the trial court did not clearly err when it held that termination was in the children's best interests, we affirm.

Petitioner provided clear and convincing evidence that respondent sexually abused the children's sibling and the abuse involved penetration. Therefore, the trial court properly found statutory grounds to terminate respondent's parental rights under MCL 712A.19b(3)(k)(ii). We defer to the trial court's better opportunity to judge witness credibility, *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989), and find nothing about the daughter's testimony that weakened her credibility. Additional evidence of respondent's inappropriate attraction to extremely young women and treatment of her older sister further supported the daughter's credibility. Because there was sufficient evidence of one statutory ground, it is unnecessary to analyze whether evidence was sufficient under other statutory grounds. *In re Huisman*, 230 Mich App 372, 384-385; 584 NW2d 349 (1998) overruled in part on other grounds, *In re Trejo*, 462 Mich 341, 353 n 10; 612 NW2d 407 (2000).

Respondent's relationship with his sons is not relevant under MCL 712A.19b(3)(k); however, it is relevant to the best interests analysis. See *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004), and *In re AH*, 245 Mich App 77, 89; 627 NW2d 33 (2001). On appeal,

respondent applies the best interests factors for child custody disputes set forth in MCL 722.23. MCL 722.23 does not apply to termination decisions. However, the court may consider many of the concerns underlying the best interests factors, including the emotional bond between parent and child, the ability to provide for material needs, moral fitness, and mental and physical health. *In re JS and SM*, 231 Mich App 92, 100-102; 585 NW2d 326 (1998), overruled in part on other grounds, *In re Trejo, supra* at 353 n 10. Although testimony indicated that respondent had a bond with his children and they wished to visit him, he was not morally fit to parent and was unlikely to be sufficiently transformed in any reasonable time.

The way a parent treated one child is probative of how he will treat another child. *In re AH, supra* at 84. Although there was no evidence respondent would sexually abuse his male children, there was evidence that he exposed his older son to inappropriate sexual behavior and substance use. The trial court did not err when it held that termination was in the children's best interests and terminated respondent's parental rights.

Respondent briefly mentions several issues regarding admission of evidence. He did not expressly include these issues in his questions presented. See MCR 7.212(C)(5); *Grand Rapids v Grand Rapids Employees Independent Union*, 235 Mich App 398, 409-410; 597 NW2d 284 (1999). Further, he failed to brief the merits of these issues or provide any citation to authority. We therefore deem these issues abandoned. See *Prince v MacDonald*, 237 Mich App 186, 197; 602 NW2d 834 (1999); *In re Nash*, 165 Mich App 450, 458; 419 NW2d 1 (1987).

Affirmed.

/s/ Pat M. Donofrio  
/s/ David H. Sawyer  
/s/ Donald S. Owens