If this opinion indicates that it is "FOR PUBLICATION," it is subject to revision until final publication in the Michigan Appeals Reports.

STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
July 17, 2026
3:10 PM

In re SULLIVAN/BURGETT/WICKINGS, Minors.

No. 378738
St. Clair Circuit Court
Family Division
LC No. 24-000217-NA

In re E. R. SULLIVAN, Minor.

No. 378739
St. Clair Circuit Court
Family Division
LC No. 24-000217-NA

Before: GADOLA, C.J., and BOONSTRA and CAMERON, JJ.

PER CURIAM.

In Docket No. 378738 of these consolidated appeals,[1] respondent-mother appeals as of right the order terminating her parental rights to ERS, WOB, AMB, and GHW under MCL 712A.19b(3)(b)(*iii*) (nonparent abused child and reasonable likelihood that nonparent would cause harm in the future if child is returned to parent), (c)(*i*) (conditions leading to adjudication still exist without likelihood of being rectified in a reasonable time), and (j) (reasonable risk of harm to child if returned to parent). In Docket No. 378739, respondent-father appeals as of right the order terminating his parental rights to ERS under MCL 712A.19b(3)(b)(*i*) (parent sexually abused sibling and reasonable likelihood child would be harmed), (j), (k)(*ii*) (parent sexually abused sibling, including penetration, and reasonable likelihood child would be harmed), and

[1] *In re Sullivan/Burgett/Wickings Minors; In re ER Sullivan Minor*, unpublished order of the Court of Appeals, entered December 26, 2025 (Docket Nos. 378738 and 378739).

(m)(*i*) (parent convicted of sexual crime and continuing parental relationship would be harmful). We affirm.

I. FACTUAL AND PROCEDURAL BACKGROUND

Respondent-mother and respondent-father are unmarried but had been in a relationship for about 10 years when the petition underlying this case was filed. They had one child together, ERS. Respondent-mother also had three more children, WOB, AMB, and GHW, by different fathers. In September 2024, respondent-father sexually assaulted AMB while the two were home alone by touching her breasts and inserting his fingers into her vagina. AMB immediately reported the assault and underwent a sexual assault examination the same day. The subsequent police investigation found that respondent-father's cell phone had accessed pornographic videos depicting sexual encounters involving stepfathers and stepdaughters before respondent-father sexually assaulted AMB. DNA testing also revealed AMB's DNA was present under respondent-father's fingernails. Accordingly, petitioner, the Michigan Department of Health and Human Services (DHHS), sought to terminate respondent-father's parental rights to ERS.

Initially, respondent-mother was not named in the petition and the children remained in her care on the condition that she have no contact with respondent-father. But in the weeks leading up to respondent-father's trial for his criminal sexual conduct (CSC) involving AMB, respondent-mother continued to communicate with him by telephone and allowed him in her home during her unsupervised parenting time. Respondent-mother also attempted to bribe AMB to change her testimony about respondent-father's abuse. As a result of respondent-mother's conduct, DHHS filed a petition to terminate respondent-mother's parental rights to WOB, AMB, ERS, and GHW.

Respondent-father was ultimately convicted of first-degree CSC (CSC-I), MCL 750.520b; second-degree CSC (CSC-II), MCL 750.520c; and accosting a child for immoral purposes, MCL 750.145a. He was sentenced for 25 to 40 years' imprisonment for his CSC-I conviction, 10 to 15 years' imprisonment for his CSC-II conviction, and 2 to 4 years' imprisonment for his accosting-a-minor conviction. The trial court found statutory grounds to terminate his parental rights as noted above, and that termination was in ERS's best interests.

Respondent-mother later pleaded guilty to witness interference, MCL 750.1227B, for attempting to bribe AMB to change her account of respondent-father's abuse. She was sentenced to 5 months of jail time and 18 months of probation. After respondent-mother admitted to statutory grounds to terminate her parental rights, the trial court concluded that it was in the children's best interests to terminate respondent-mother's parental rights. These appeals followed.

II. STANDARDS OF REVIEW

"We review for clear error the trial court's finding that there are statutory grounds for termination of a respondent's parental rights." *In re Atchley*, 341 Mich App 332, 343; 990 NW2d 685 (2022). We also review a trial court's best-interests determination for clear error. *In re White*, 303 Mich App 701, 713; 846 NW2d 61 (2014). "A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court's special opportunity to observe the witnesses." *In re Miller*, 347 Mich App 420, 425; 15 NW3d 287 (2023) (quotation marks and citation omitted).

III. STATUTORY GROUNDS

In Docket No. 378739, respondent-father argues that there was insufficient evidence to terminate his parental rights to ERS. We disagree.

"To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been proved by clear and convincing evidence." *In re Pederson*, 331 Mich App 445, 472; 951 NW2d 704 (2020) (quotation marks and citation omitted). Under MCL 712A.19b(3)(m)(*i*), a trial court may terminate parental rights if the parent was convicted of, in relevant part, CSC-I or CSC-II, and "continuing the parent-child relationship with the parent would be harmful to the child[.]"

It is undisputed that respondent-father was convicted of CSC-I and CSC-II. Thus, the relevant inquiry is whether continuing the parent-child relationship would be harmful to ERS. Respondent-father contends that because he will be incarcerated for the foreseeable future, he poses no risk of physical harm to ERS. But his argument ignores the impact of the parent-child relationship on ERS's emotional wellbeing. See *In re Hudson*, 294 Mich App 261, 268; 817 NW2d 115 (2011) ("Respondent focuses only on the potential of *physical* harm or abuse and ignores the fact that the children had been, and continued to be, at risk of *emotional* harm."). Indeed, the trial court opined that respondent-father could cause significant mental and emotional harm to ERS by engaging in grooming behaviors during visits and conversations even while incarcerated.

The record supports the trial court's conclusion that continuation of the parent-child relationship would harm ERS. Given the close relationship between ERS and AMB, respondent-father's sexual abuse of AMB would likely cause ERS extreme emotional and mental harm if she were to have continued contact with him. Additionally, under the doctrine of anticipatory neglect, how a parent treats one child is probative of how that parent may treat other children. *In re Kellogg*, 331 Mich App 249, 259; 952 NW2d 544 (2020). Although AMB is not respondent-father's biological child, she is ERS's half-sister and respondent-father had been in AMB's life for 10 years—nearly her entire life. See *In re Mota*, 334 Mich App 300, 323; 964 NW2d 881 (2020) ("Although the doctrine is not a perfect fit in this case because LP is not respondent's child, respondent had been raising LP for a number of years as if she were his daughter."). Even though AMB is older than ERS, ERS will eventually reach the same age as AMB was when she was abused. Thus, ERS and AMB are similarly situated and respondent-father's sexual abuse of AMB is indicative of how he may treat ERS in the future. Accordingly, the trial court did not err by terminating respondent-father's parental rights under MCL 712A.19b(3)(m)(*i*).[2]

IV. BEST INTERESTS

In both dockets, respondent-mother and respondent-father argue that termination was not in the children's best interests. We disagree.

[2] Because "[o]nly one statutory ground need be established by clear and convincing evidence to terminate a respondent's parental rights," *In re Ellis*, 294 Mich App 30, 32; 817 NW2d 111 (2011), we need not address whether termination was proper under MCL 712A.19b(3)(b)(*i*), (j), or (k)(*ii*).

"The trial court must order the parent's rights terminated if [DHHS] has established a statutory ground for termination by clear and convincing evidence and it finds from a preponderance of the evidence on the whole record that termination is in the children's best interests." *In re White*, 303 Mich App at 713. "The focus at the best-interest stage has always been on the child, not the parent." *In re Atchley*, 341 Mich App at 346 (quotation marks and citation omitted). When determining whether termination is in a child's best interests:

> [T]he court should consider a wide variety of factors that may include 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. 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*, 303 Mich App at 713-714 (quotation marks and citations omitted).]

"Placement with a relative weighs against termination, but that fact is not dispositive given that a trial court may terminate parental rights in lieu of placement with relatives if it finds that termination is in the child's best interests." *In re Atchley*, 341 Mich App at 347 (quotation marks and citation omitted). The trial court may also consider the preference of the child if they are of sufficient age to have a preference. *In re Medina*, 317 Mich App 219, 238-239; 894 NW2d 653 (2016).

A. RESPONDENT-MOTHER

Termination of respondent-mother's parental rights was in the children's best interests. Although respondent-mother had housing and employment, attended counseling, and participated in parenting education, she did not show any benefit from participating in these services and her parenting ability remained highly questionable. During unsupervised parenting times, respondent-mother fell asleep and once left the children unsupervised while taking one child to get their nails done. She also allowed respondent-father into her home during her unsupervised parenting time, contrary to court orders. Respondent-mother did not believe AMB when AMB confided in her about the sexual abuse, and respondent-mother tried to bribe AMB to persuade her to not testify against respondent-father. Respondent-mother acknowledged her misconduct when she pleaded guilty to witness interference, for which she was sentenced to jail time and probation. Her actions show a willingness to violate the law to protect the abuser of her child, and that she placed her relationship with respondent-father above the needs of her children.

Further, both WOB and AMB had little bond with respondent-mother, as reflected by the fact that they did not want to be reunited with her. While ERS had more of a bond with respondent-mother, ERS did not ask about her while in DHHS's care. Although GHW and ERS are younger and did not explicitly express that they did not want to be reunified with respondent-mother, both were happy in their placements and wished to stay where they were. The foster home where WOB, AMB, and ERS were placed provided them with stability and permanency, and the foster parents expressed interest in adopting them. All three children experienced noticeable improvements in their behaviors and academics after being placed in their foster home. As for GHW, he was placed with his nonrespondent father, and the placement gave him a sense of stability and permanence.

Like his siblings, GHW's academics also improved after being removed from respondent-mother's care. Importantly, GHW's father facilitated regular contact with his siblings, and took steps to get sole custody of GHW. Although the fact that GHW was placed with a relative weighs against termination, *In re Atchley*, 341 Mich App at 347, the trial court determined that this placement did not outweigh the ongoing risks posed by respondent-mother. Because the record supports the trial court's best-interest findings, termination of respondent-mother's parental rights was not clearly erroneous.

B. RESPONDENT-FATHER

Termination of respondent-father's parental rights was also in ERS's best interests. On appeal, respondent-father contends that it was not in ERS's best interests to terminate his parental rights because they "have a good relationship," and he should be allowed to have contact with her so that "[their] relationship can continue." But the best-interests inquiry focuses on the needs of the child, not the parent. *Id*. at 346. Moreover, despite respondent-father's claims to the contrary, ERS never asked about respondent-father while in DHHS's custody, indicating a weak bond. Respondent-father's parenting ability was criminally inadequate as evidenced by his sexual assault of ERS's half-sister, AMB. For his conduct against AMB, respondent-father will be incarcerated for at least 25 years and could not provide ERS with the same stability and support as ERS's foster parents, who were willing to adopt her and her siblings. Additionally, as noted above, ERS's academics and behavior noticeably improved in the care of her foster parents. Considering these relevant factors, the trial court did not clearly err by finding that termination of respondent-father's parental rights was in ERS's best interests.

Affirmed.

/s/ Michael F. Gadola
/s/ Mark T. Boonstra
/s/ Thomas C. Cameron