

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MELISSA TYLER, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BRAD TYLER,

Respondent-Appellant.

UNPUBLISHED

November 25, 1997

No. 200095

Allegan Juvenile Court

LC No. 93-003337-NA

Before: Jansen, P.J., and Fitzgerald and Young, JJ.

MEMORANDUM.

Respondent appeals as of right from the juvenile court order terminating his parental rights to the minor child. We affirm.

The juvenile court did not abuse its discretion in authorizing substituted service of the termination proceedings by publication and first-class mail to respondent's last known address, mother and ex-wife. MCL 712A.13; MSA 27.3178(598.13). The court properly advised respondent of his right to counsel in accordance with MCR 5.915(B), *In re Hall*, 188 Mich App 217; 469 NW2d 56 (1991), and respondent was not precluded from participating in the termination hearing. In addition, the court did not err in using respondent's no contest conviction for fourth-degree criminal sexual conduct involving his son as a basis for determining that the child would be subject to a substantial risk of harm if she were placed in respondent's care. MCL 712A.19b(3)(b)(i); MSA 27.3178(598.19b)(3)(b)(i).

Affirmed.

/s/ Kathleen Jansen

/s/ E. Thomas Fitzgerald

/s/ Robert P. Young, Jr.