

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of LATONYA D. ROBINSON and  
LATOYA V. ROBINSON, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANDRE STREETER,

Appellant.

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UNPUBLISHED

December 10, 1999

No. 213680

Wayne Circuit Court

Family Division

LC No. 96-349035

Before: Gribbs, P.J., and Murphy and Griffin, JJ.

MEMORANDUM.

Appellant Andre Streeter appeals as of right from the family court order terminating his parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(a)(ii), (c)(i), (g) and (j). We affirm.

The record indicates that appellant is not a father as defined in MCR 5.903(A)(4). The Juvenile Code requires a putative father to establish paternity before he can participate in a termination hearing as a “respondent”. 5.903(A)(4); 5.974(B)(2). Appellant failed to establish paternity despite being given an opportunity to do so by the trial court. Therefore, he was not a “respondent” for purposes of a proceeding to terminate parental rights and did not have standing to participate in the proceeding. See MCR 5.921(D). Contrary to what appellant asserts, the court did not find that he had *waived* his right to participate in the termination proceeding pursuant to MCR 5.921(D)(3); rather, it stated, correctly, that until he established paternity, he was not entitled to an attorney, could not plan for the children, and had no standing.

We agree with appellant that there were other methods of establishing paternity, apart from commencing a paternity action in circuit court. Nonetheless, appellant failed to avail himself of any of the different available methods for establishing paternity. See MCR 5.903(A)(4)(d). Appellant’s

reliance on the Adoption Code is misplaced, because this proceeding was commenced under the child protection provisions of the Juvenile Code, not the Adoption Code. Although parents have a significant liberty interest in the companionship, care, custody and management of their children, which is protected by due process, *In re Brock*, 442 Mich 101, 109; 499 NW2d 752 (1993), appellant here failed to establish that he was a parent entitled to such protection.

Next, because appellant never established paternity in a legally recognized manner, he was not entitled to the statutory service and notice that must otherwise be afforded a noncustodial parent. *In re Gillespie*, 197 Mich App 440, 442; 496 NW2d 309 (1992).

Finally, the court did not clearly err in finding that §§ 19b(3)(a)(ii), (c)(i) and (g) were all established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Appellant does not argue that termination of his parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the court did not err in terminating appellant's parental rights to the children. *Id.*

Affirmed.

/s/ Roman S. Gibbs  
/s/ William B. Murphy  
/s/ Richard Allen Griffin