

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ERIK DOUGLAS KURAN, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DOUGLAS ALLEN KURAN,

Respondent-Appellant.

UNPUBLISHED
December 5, 2000

No. 220206
Oakland Circuit Court
Family Division
LC No. 98-615049-NA

Before: Zahra, P.J., and Hood and McDonald, JJ.

MEMORANDUM.

Respondent appeals as of right from the family court order terminating his parental rights to the minor child under MCL 712A.19b(3)(b)(i), (b)(ii), (g), (j), (k)(iii) and (k)(iv); MSA 27.3178(598.19b)(3)(b)(i), (b)(ii), (g), (j), (k)(iii) and (k)(iv). We affirm.

Contrary to respondent's claim, the evidence did not establish that termination of his parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). Thus, the family court did not err in terminating respondent's parental rights to the child. *Id.*

Further, we reject respondent's claim that he was entitled to a *Walker*¹ hearing to determine the admissibility of his statements. The rule of *Walker* applies to criminal defendants whose confessions may have been illegally or involuntarily obtained. *People v Jones*, 115 Mich App 543, 548; 321 NW2d 723 (1982). It is well established that child protective proceedings are different from criminal proceedings, and that the rules applicable in child protective proceedings differ from those applicable in criminal cases. MCL 712A.1; MSA 27.3178(598.1); *In re Brock*, 442 Mich 101, 107-108; 499 NW2d 752 (1993). Respondent has failed to provide any persuasive authority in support of his claim that the rules applicable in criminal proceedings relative to the admissibility of statements should be extended to child protective proceedings. *Wilson v Taylor*, 457 Mich 232, 243; 577 NW2d 100 (1998).

¹ *People v Walker (on Rehearing)*, 374 Mich 331; 132 NW2d 87 (1965).

Finally, respondent's claim that he was denied due process was not raised below and, therefore, is not preserved. *In re Hildebrant*, 216 Mich App 384, 389; 548 NW2d 715 (1996). Although respondent claims that transfer of the case from Wayne County to Oakland County precluded him from obtaining judicial review of the referee's probable cause determination, there is no indication in the record that he ever requested further review of this determination. Indeed, under the circumstances, any request would have been futile. Thus, appellate relief is not warranted on the basis of this unpreserved issue. *Id.*

Affirmed.

/s/ Brian K. Zahra

/s/ Harold Hood

/s/ Gary R. McDonald