

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of DONVONTA WILLIAMS,  
DEONDRE WILLIAMS and DEANGELO  
WILLIAMS, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PAUL WYNN,

Respondent-Appellant,

and

BRENDA WILLIAMS,

Respondent.

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UNPUBLISHED  
January 15, 2002

No. 234290  
Ingham Circuit Court  
Family Division  
LC No. 00-037337-NA

Before: Fitzgerald, P.J., and Bandstra and K. F. Kelly, JJ.

PER CURIAM.

Respondent-Appellant Paul Wynn (respondent) appeals as of right the order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(h). We affirm.

Respondent first argues that “the trial court should have required petitioner to confine her proofs and argument to the three statutory grounds alleged in the petition.” Respondent did not identify this issue in the statement of questions presented. MCR 7.212(C)(5), *Grand Rapids Employees Independent Credit Union v Grand Rapids*, 235 Mich App 398, 409-410; 597 NW2d 284 (1999). Ordinarily, no point will be considered which is not set forth in the statement of questions presented. *Caldwell v Chapman*, 240 Mich App 124, 132; 610 NW2d 264 (2000). Nonetheless, the supplemental amended petition for permanent wardship states with regard to respondent that respondent “is incarcerated,” and that “since June 12, 1996, respondent has been incarcerated for possession with intent to deliver cocaine, and was sentenced to 25 to 50 years. Mr. Wynn will not in the foreseeable future be able to take care of his three children, due to him being incarcerated.” Thus, the language of the amended petition put respondent on notice that his incarceration could be a ground upon which an order might be based. Further, respondent

does not dispute that the clear and convincing evidence was established to support termination of his parental rights under § 19b(3)(h). *In re McIntyre*, 192 Mich App 47, 50; 470 NW2d 293 (1991).

Respondent also argues that the trial court erred by terminating respondent's parental rights without first establishing his paternity after respondent indicated for the first time at the hearing on the petition for permanent wardship that he did not know if he was the father of all of the children. This argument is without merit in light of the fact that respondent is named as the father on the birth certificates of all three children. Given the fact that respondent does not dispute that the court was presented with clear and convincing evidence to support termination of respondent's parental rights under § 19b(3)(h), the trial court properly terminated any parental rights that respondent had.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Richard A. Bandstra

/s/ Kirsten Frank Kelly