

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of J.S., J.S., and R.S., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROBERT C. GUNTLE, JR.,

Respondent-Appellant,

and

ELAINE STARRETT,

Respondent.

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UNPUBLISHED

August 20, 2002

Nos. 238951, 238952, 238953

Cass Circuit Court

Family Division

LC Nos. 00-000283-NA,  
00-000284-NA,  
00-000285-NA

Before: White, P.J., and Neff and Jansen, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right the trial court orders, terminating his parental rights to his minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondent's parental rights was clearly not in the best interests of the children. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

We further find that the trial court's decision to terminate respondent-appellant's parental rights did not violate the provisions of the Indian Child Welfare Act (ICWA), 25 USC 1901 *et seq.* Contrary to respondent-appellant's contention, the determination to terminate his parental rights was supported by evidence beyond a reasonable doubt that continued custody with respondent-appellant would result in serious emotional or physical damage to the children. The

trial court therefore did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Helene N. White

/s/ Janet T. Neff

/s/ Kathleen Jansen