

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.H., K.S., and C.F., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOSEPH BATES,

Respondent-Appellant,

and

JOLE MAREE FLUGGA,

Respondent.

UNPUBLISHED

October 25, 2002

No. 239096

Calhoun Circuit Court

Family Division

LC No. 00-002553-NA

Before: Hoekstra, P.J., and Wilder and Zahra, JJ.

MEMORANDUM.

Respondent-appellant appeals by leave granted from an order terminating his rights to the minor children pursuant to MCL 712A.19b(3)(b)(1), (g), (j), and (k)(ii). We affirm.

We have thoroughly reviewed the record and have determined that respondent-appellant was not denied due process. Respondent-appellant failed to demonstrate that there were any notes taken during the interviews of his daughter, and the formal reports generated after the interviews were made available to him. Furthermore, respondent-appellant was able to effectively cross-examine the prosecution witnesses.

Moreover, the trial court did not clearly 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). The evidence demonstrated that respondent sexually abused one of the children and had knowledge that his son was acting sexually inappropriately with his daughters, yet did nothing to rectify the issue. Additionally, the evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder

/s/ Brian K. Zahra