

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of K.M.H., M.L.R., and J.A.R.,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RICHARD ALLEN ROBERTSON,

Respondent-Appellant,

and

MARY ANN HARRISON and WILLIAM
ALLEN,

Respondents.

UNPUBLISHED

October 29, 2002

No. 233807

Wayne Circuit Court

Family Division

LC No. 99-381223

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

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating his parental rights to his children M.L.R. and J.A.R. pursuant to MCL 712A.19b(3)(b)(i), (g), and (h).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from

¹ A third child involved in the proceedings, K.M.H., is not respondent's legal or putative child. The trial court's order also terminated the parental rights of respondent Mary Ann Harrison, the mother of all three children, and respondent William Allen, the legal father of K.M.H. Respondents Harrison and Allen have not appealed the order.

evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

We hold the trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for termination of respondent's parental rights. Respondent acknowledged that he was serving a prison term for sexually abusing K.M.H., a half-sibling of M.L.R. and J.A.R. At the time of the termination hearing it was undisputed that respondent would be imprisoned for a minimum term exceeding two years, and that he had not put forth a viable plan for the care of the children in the meantime.

The trial court did not clearly err in finding that termination of respondent's parental rights to M.L.R. and J.A.R. was warranted on the grounds that he sexually abused a half-sibling of his children and that his children could be at risk of being abused, MCL 712A.19b(3)(b)(i), that he failed to provide proper care or custody and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that he would be imprisoned for a minimum term exceeding two years, MCL 712A.19b(3)(h). 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).

Affirmed.

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder

/s/ Brian K. Zahra