

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ASHLEY N. FRANCIS and
DAVID S. FRANCIS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SCOTT D. FRANCIS,

Respondent-Appellant.

UNPUBLISHED
September 14, 2004

No. 253468
Wayne Circuit Court
Family Division
LC No. 03-422993

Before: Donofrio, P.J. and White and Talbot, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating his parental rights to his two adopted children pursuant to MCL 712a.19(3)(b)(i) and (ii), (g), (j), (k)(iii) and (iv), and (n). Because the trial court did not clearly err in finding clear and convincing evidence for termination of parental rights, and termination was not clearly contrary to the children's best interests, we affirm.

The evidence established that respondent sexually assaulted his son. Moreover, the evidence showed that the son's bedroom was a windowless crawl space in a Michigan basement that also housed a sump pump, furnace and hot water heater. It was accessible by a ladder through a trap door in respondent's bedroom closet.

Respondent argues that termination of rights was in error since there was no showing of reasonable efforts to reunite him with the children. However, reunification was never a goal and such efforts were not required. MCL 712A.19b(4) and MCR 3.997(E) authorize an order terminating parental rights at the initial dispositional hearing if a petition seeking termination is filed. In this case, termination of respondent's parental rights was expressly sought in the

amended petition. Therefore, efforts at reunification were not required. MCR 3.997(E).

Affirmed.

/s/ Pat M. Donofrio
/s/ Helene N. White
/s/ Michael J. Talbot