

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DOMINICK BIGHAM and
NATHAN BIGHAM, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JIMI FLINT,

Respondent-Appellant,

and

TANYA BIGHAM,

Respondent.

UNPUBLISHED
November 2, 2004

No. 255771
Ingham Circuit Court
Family Division
LC No. 00-047536-NA

Before: Murray, P.J., and Sawyer and Smolenski, JJ.

MEMORANDUM.

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

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCL 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent-appellant left the children and moved out of state while a child protective services case was pending. He remained out of state for almost three years, during which time he maintained minimal contact and support notwithstanding his knowledge of the difficulties the children's mother was having managing the care of the children.

Further the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). One of respondent-appellant's children suffers from multiple mental disorders and is mentally impaired. The testimony indicated respondent-appellant would most likely never obtain the skills necessary to parent this child and that he would require at least a year of training and therapy before he would be capable of adequately parenting the other child.

Respondent-appellant also argues that he was denied his right to due process because the trial court failed to take into consideration all of the facts when making its decision, particularly the fact that he had enrolled in a father nurturing class. This argument goes only to the sufficiency of the evidence supporting the termination order and does not set forth a due process violation claim. As we have already noted, there was ample evidence to support the trial court's termination order. Respondent-appellant further contends that he was not provided with reunification services. The record does not support this assertion because respondent-appellant was included in service plans and afforded supervised visitation and an opportunity to participate in services.

Affirmed.

/s/ Christopher M. Murray

/s/ David H. Sawyer

/s/ Michael R. Smolenski