

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LATAVIA ALETHEA JENKINS,
Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
December 20, 2005

Petitioner-Appellee,

v

LUTHER THOMAS JENKINS,

Respondent-Appellant.

No. 262104
Wayne Circuit Court
Family Division
LC No. 04-437303-NA

Before: Owens, P.J., and Saad and Fort Hood, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating his parental rights to his minor child pursuant to MCL 712A.19b(3)(g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent first argues that the trial court denied him due process when it admitted into evidence his confession to four homicides before the completion of the criminal court proceedings or a hearing regarding whether the statement was given voluntarily. It is not clear whether respondent is making the argument that the trial court violated his due process right by taking jurisdiction over the minor child or by terminating his parental rights to the minor child. In either case, the trial court did not err. It is not necessary to prove conviction of a crime for the trial court to assume jurisdiction over minor children on the basis of a parent's criminality. *In re Mu*, 264 Mich App 270, 279; 690 NW2d 495 (2004). Further, a respondent's right to due process in a child protection proceeding "is not offended by determining, even in the absence of a criminal conviction, whether a preponderance of the evidence shows that he engaged in criminal behavior." *Id.* at 282.

The trial court did not clearly err when it found that the statutory grounds for termination of respondent's parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). Respondent confessed to committing the violent homicides of four individuals, including the minor child's mother and two small children, when the minor child was in the house. He further led the police to where he had disposed of the four bodies. Because of the heinous nature of these homicides, respondent's

confession, and the fact that he was charged with these crimes, the evidence is clear and convincing that respondent will be unable to provide proper care and custody within a reasonable time and that there was a reasonable likelihood that the minor child would be harmed if returned to the home of respondent, even if he were not convicted of these offenses. Further, the court was not required to provide respondent with the opportunity to prove that he can properly parent the child after the criminal proceedings are resolved. MCL 712A.19b(4); MCR 3.977(E).

Finally, the evidence did not establish that termination of respondent's parental rights was against the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent confessed to killing four individuals and leaving the eleven-month-old minor child in a bedroom closet while he disposed of the bodies. Although respondent had a relationship with the minor child before the petition was filed, the overall evidence clearly shows that it is not contrary to the minor child's best interests to terminate respondent's parental rights.

Affirmed.

/s/ Donald S. Owens
/s/ Henry William Saad
/s/ Karen M. Fort Hood