

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of DALLAS CHRISTIAN TYUS,  
CODY CODIA TYUS, DANIELLE GENOA TYUS,  
GENESIS APRIL TYUS, JAMES WINDELL TYUS,  
SHILOH NIKKI TYUS, and SHANNONDORA  
CALLY TYUS, Minors.

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

UNPUBLISHED  
December 20, 2005

Petitioner-Appellee,

v

JAMES TYUS,

Respondent-Appellant,

and

CHRIS LAWANA ROBERTSON,

Respondent.

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No. 263064  
Wayne Circuit Court  
Family Division  
LC No. 03-425666-NA

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

MEMORANDUM.

Respondent-appellant appeals as of right the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c)(i), (g), (j), and (k)(i). We affirm.

The trial court did not clearly err in finding that statutory grounds for termination of respondent-appellant's parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). 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). During this case, respondent-appellant failed to make any meaningful attempts to regain custody of his children. Respondent-appellant never signed a parent/agency agreement and failed to begin or complete any of its requirements. He had not seen his children since before they were taken into the trial court's temporary custody until just before the termination hearing. Two of the younger children did not even know who respondent-appellant was. He had failed to

provide any support for the children throughout this case and had a significant arrearage for past child support. Accordingly, the trial court properly terminated respondent-appellant's parental rights.

Respondent-appellant also argues that the trial judge should have been disqualified because the judge's comments when he rendered his decision displayed an obvious bias and partiality against respondent-appellant because he and the mother of the children were never married. In order to preserve an issue of alleged judicial bias based on judicial conduct, respondent-appellant was required to file a motion to disqualify within 14 days after he discovered the grounds for disqualification and include an affidavit including all grounds for disqualification that were known. MCR 2.003(C)(1); *Cain v Dept of Corrections*, 451 Mich 470, 494; 548 NW2d 210 (1996). Respondent-appellant failed to preserve this issue for review. Moreover, a review of the record reveals that disqualification of the trial judge was not required. Although the trial judge's remarks were critical and disapproving of respondent-appellant, respondent-appellant failed to show actual bias or prejudice as required by MCR 2.003(B)(1). *Cain, supra* at 494-495. The trial judge's comments did not display a deep-seated antagonism toward unmarried couples, but rather a reaction to the facts of this case.

Affirmed.

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