

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRYAN WISSAM ALTAMIMI,
CHRISTINA LILLIAN BIRAGA, and JOLENA
LYNN BIRAGA, Minors.

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

UNPUBLISHED
December 22, 2005

Petitioner-Appellee,

v

WISSAM MANSOUR ALTAMIMI,

Respondent-Appellant,

and

JENNIFER LYNN ALTAMIMI,

Respondent.

No. 262185
Oakland Circuit Court
Family Division
LC No. 03-683999-NA

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

PER CURIAM.

Respondent-appellant is the legal father of Bryan, Christina, and Jolena but the biological father of only Bryan. Respondent-appellant's parental rights to all three children were terminated pursuant to MCL 712A.19b(3)(g) and (h), but he appeals as of right only from the termination of his rights to Bryan. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

In September 2003, petitioner filed a petition seeking temporary custody of Bryan, Christina and Jolena, alleging that the children's mother had improperly supervised and physically neglected the children. The court dismissed the petition against respondent-appellant without prejudice in November 2003. On October 8, 2004, petitioner filed a permanent custody petition against respondent-appellant, alleging that respondent-appellant had been convicted in January 2004 of first-degree criminal sexual conduct and first-degree home invasion and sentenced to nine to thirty years' imprisonment. Respondent-appellant appeared at the December 3, 2004 hearing and received a copy of the termination petition, although there was evidence that he had received notice of the termination proceedings on October 13, 2004. On

December 22, 2004, respondent-appellant pleaded no contest to the allegations in the petition. The court concluded that respondent-appellant's plea established the statutory grounds for termination of his parental rights. At the best interests hearing, respondent-appellant argued that, because Bryan could remain in his paternal uncle's care during respondent-appellant's imprisonment, termination of his parental rights was unnecessary and contrary to Bryan's best interests. Finding that permanence was an important goal for Bryan that could best be accomplished by termination of respondent-appellant's parental rights, the court concluded that termination was not contrary to Bryan's best interests.

On appeal, respondent-appellant first argues that the notice he received in connection with termination of his parental rights was insufficient. However, the facts establish that respondent-appellant had at least fourteen days' notice of the termination proceedings, in compliance with MCL 712A.19b(2)(c) and MCR 3.920(B)(5)(a)(i). The record also shows that respondent-appellant's plea was made voluntarily. Thus, respondent-appellant's claim must fail.

Respondent-appellant also challenges the court's findings in support of termination of his parental rights pursuant to §19b(3)(h). Because he failed below to challenge the statutory grounds cited by the court in support of termination of his parental rights and in fact pleaded no contest to the permanent custody petition, this issue is not preserved for appeal. Moreover, because respondent-appellant fails to challenge termination of his parental rights under §19b(3)(g), the other statutory ground cited by the court in support of termination, and only one statutory ground is necessary to support termination, respondent's substantial rights are not affected even if we determined that the trial court plainly erred in finding that § 19b(3)(h) had been established. *People v Carines*, 460 Mich 750, 763; 597 NW2d 130 (1999).

Affirmed.

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