

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of EMMA HUNT and MARIAH
HUNT, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JESSE NICHOLS,

Respondent-Appellant,

and

SAVANNAH HUNT,

Respondent.

UNPUBLISHED

May 4, 2010

No. 293506

Muskegon Circuit Court

Family Division

LC No. 07-036614-NA

Before: OWENS, P.J., and SAWYER and O'CONNELL, JJ.

MEMORANDUM.

Respondent Jesse Nichols (respondent) appeals as of right the lower court's order terminating his parental rights to his minor children pursuant to MCL 712A.19b(3)(a), (c)(i), (g) and (h).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent argues that the trial court erred when it determined that terminating his parental rights was in the children's best interests. We disagree.

Once a statutory ground for termination of parental rights has been proven, the trial court shall order termination of parental rights if it finds "that termination of parental rights is in the child's best interests." MCL 712A.19b(5). We review the trial court's best interests finding for

¹ Respondent-mother Savannah Hunt's parental rights to these children and to a third child were also terminated in the course of the lower court proceeding. She is not a party to this appeal.

clear error. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). “A finding is clearly erroneous [if] although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made.” *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989) (internal citations and quotations omitted). Deference is accorded to the trial court’s assessment of the credibility of the witnesses who appeared before it. *Id.*; MCR 2.613(C).

The trial court did not clearly err when it determined that termination of respondent’s parental rights was in the children’s best interests. Respondent admitted that he did not have a bond with the children and that they did not even know him. He had provided no past monetary support for them. He had rarely contacted them by letter. In addition, he would be unable to care for them for at least three years because of his ongoing incarceration. Testimony concerning the children’s special needs and their present need for support and permanency also supported the trial court’s decision. Moreover, the nature of respondent’s previous convictions indicates that respondent has his own mental difficulties to work through before he could become an effective parent to the children.

Affirmed.

/s/ Donald S. Owens
/s/ David H. Sawyer
/s/ Peter D. O’Connell