

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of DANIELLE LEI MYERS, Minor.

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CHARMEL LEI HULSEBOS and KEVEN  
HULSEBOS,

UNPUBLISHED  
March 26, 1999

Petitioners-Appellees,

v

DANIEL JOHN MYERS,

No. 212329  
Eaton Circuit Court  
Family Division  
LC No. 96-001674 AD

Respondent-Appellant.

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Before: O'Connell, P.J., and Jansen and Collins, JJ.

MEMORANDUM.

Respondent appeals as of right from a family court order terminating his parental rights to the minor child under § 51(6) of the Adoption Code, MCL 710.51(6); MSA 21.3178(555.51)(6). We affirm.

Respondent's claim that the stepparent adoption statute is unconstitutional was not raised in the family court and is not preserved for review. *People v Morey*, 230 Mich App 152, 163; 583 NW2d 907 (1998). We therefore decline to consider it.

The family court did not clearly err in finding that the statutory ground for termination was established by clear and convincing evidence. *In re Simon*, 171 Mich App 443, 448; 431 NW2d 71 (1988). The record establishes that respondent, although having the ability to do so, failed to provide any support for the minor child for a period of two years or more before the filing of the petition and, although he had the ability to do so, substantially failed to visit, contact, or communicate with the child for a period of two years or more before the filing of the petition. Thus, the family court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Peter D. O'Connell

/s/ Kathleen Jansen

/s/ Jeffrey G. Collins