STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of BROOKE ANN LEE,
BRANDON J. LEE and AMBER D. LEE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARK LEE,

Respondent-Appellant.

UNPUBLISHED
August 4, 2000

No. 223983
Cheboygan Circuit Court
Family Division
LC No. 98-000562-NA

Before: Murphy, P.J., and Kelly and Talbot, JJ.

PER CURIAM.

Respondent appeals as of right from the family court order terminating his parental rights to the minor children under MCL 712A.19b(3)(b)(i), (g), (h), (j) and (k)(ii); MSA 27.3178(598.19b)(3)(b)(i), (g), (h), (j) and (k)(ii). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The family court's findings of fact and conclusions of law made on the record immediately following the termination hearing and in separate opinions and orders dated November 15, 1999, were sufficient to satisfy MCR 5.974(G)(1). The court also complied with MCR 5.974(G)(3) by including the statutory bases for termination in the order entered on November 15, 1999, and in its amended order entered on December 1, 1999.

The family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Pursuant to MCL 712A.19b(5); MSA 27.3178(598.19b)(5) termination of parental rights was required unless the court found that termination was clearly not in the children's best interest. *In re Trejo*, ___ Mich ___; ___ NW2d ___ (No. 112528, issued 7/5/2000) slip op p 27. On this record, we do not conclude that the court's finding was clearly erroneous or that termination

was clearly not in the children's best interest. Accordingly, the court did not err in terminating respondent's parental right to the children. *Id.*

We reject respondent's claim that the family court erred in terminating his parental rights because appellee failed to offer any services to help reunite him with the children. Generally, when out-of-home placement is ordered, an initial service plan must be prepared within 30 days of the placement. MCR 5.965(C)(6); MCL 712A.18f; MSA 27.3178(598.18f). In this case, however, the children were never removed from their mother's custody and respondent did not object to that placement. Moreover, the fact that appellee filed an original petition for permanent custody alleging that respondent had sexually abused Brooke, withdrew its request for termination in exchange for respondent's plea of no contest and then filed a supplemental termination petition several months later indicates that reunification of respondent with the children was not a realistic goal of the proceedings. Apart from arguing that he should have been permitted to visit and contact the children, respondent does not specify what services should have been offered by appellee, or could have been offered while he was incarcerated. Respondent was denied visitation because it would be harmful to the children and his letters were not given to the children on the recommendation of the children's counselor due to the trauma they had experienced. The juvenile code requires only that appellee offer services that will facilitate reunification and any additional services the court may order. MCL 712A.18f; MSA 27.3178(598.18f); MCL 712A.19; MSA 27.3178(598.19). Appellee is not required to offer every conceivable service that may be available before termination may be ordered. There was no error.

Affirmed.

/s/ William B. Murphy
/s/ Michael J. Kelly
/s/ Michael J. Talbot