

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

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In the Matter of ALYSSA HURRELL and  
NICOLE HURRELL, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DUANE HURRELL,

Respondent-Appellant,

and

CHRISTINA NONNENMACHER,

Respondent.

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UNPUBLISHED

May 18, 2001

No. 231068

Clinton Circuit Court

Family Division

LC No. 99-013392-NA

Before: McDonald, P.J., and Smolenski and K. F. Kelly, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the family court order terminating his parental rights to the minor children under MCL 712A.19b(3)(g) and (h); MSA 27.3178(598.19b)(3)(g) and (h). We affirm.

Appellant first argues that petitioner failed to comply with MCL 722.954a(2); MSA 25.359(4a)(2), by failing to make sufficient efforts to place the children with appellant's relatives. However, the record indicates that petitioner contacted appellant's relatives about the possibility of caring for the minor children, but the relatives were either unwilling or unable to care for the children on a long-term basis. Accordingly, there is no merit to appellant's claim.

Appellant next argues that termination of his parental rights was not in the children's best interests. At the time of trial, appellant was incarcerated for a term of 5 ½ to 15 years for a criminal sexual conduct offense involving the children's thirteen-year-

old babysitter. The evidence supported a finding, by clear and convincing evidence, that a statutory basis for termination existed and that termination was not clearly against the children's best interests. Accordingly, the trial court did not err in terminating appellant's parental rights to the minor children. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Gary R. McDonald  
/s/ Michael R. Smolenski  
/s/ Kirsten Frank Kelly