

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of M.M.L., Minor.

KIM LOWERY and GREGORY LOWERY,

Petitioners-Appellees,

v

DANIEL FORREST LEE,

Respondent-Appellant,

and

PAULINE MARIE HUCKESTEIN,

Respondent.

UNPUBLISHED
February 19, 2002

No. 233103
Wayne Circuit Court
Family Division
LC No. 00-393356

Before: Neff, P.J., and Cavanagh and Saad, JJ.

MEMORANDUM.

Respondent appeals as of right from the order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(f).¹ We affirm.

The trial court did not err in finding that the statutory ground for termination was established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence showed that respondent completely failed to support or assist in supporting the minor child for over four years prior to the filing of the termination petition. Even though he was incarcerated for a period of time, respondent had the ability to assist in supporting the minor child. Likewise, although he had the opportunity to do so, he failed to visit, contact or communicate with the minor child during the four-year period preceding the termination petition. Further, the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In*

¹ The court also terminated respondent mother's parental rights to the child but she is not a party to this appeal.

re Trejo, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Janet T. Neff
/s/ Mark J. Cavanagh
/s/ Henry William Saad