

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of PRECIOUS TORREY, a/k/a
PRECIOUS TROY, and NATURE TYREE
TROY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHRISTOPHER TROY,

Respondent-Appellant,

and

DELISA TORREY,

Respondent.

UNPUBLISHED

August 21, 2003

No. 247525

Jackson Circuit Court

Family Division

LC No. 02-000542-NA

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

MEMORANDUM.

Respondent Troy appeals by right from a circuit court order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(a)(ii) and (g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We note that respondent, who never established paternity of the children, is not a “respondent” as defined by MCR 5.903(A)(4) and MCR 5.974(B)(2)¹ and thus lacks standing to challenge the court’s ruling. *In re Foster*, 226 Mich App 348, 358; 573 NW2d 324 (1997); *In re Gillespie*, 197 Mich App 440, 446; 496 NW2d 309 (1992). Nevertheless, we find that the trial court did not clearly err in finding that at least one statutory ground for termination had been

¹ See now MCR 3.903(A)(7) and MCR 3.977(B)(2).

proved by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Respondent denied paternity, failed to follow through with paternity testing when offered an opportunity to do so, and never indicated an intent to plan for the children. Further, the trial court's finding regarding the child's best interests was not clearly erroneous. *In re Trejo Minors*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5). Therefore, the trial court did not clearly err in terminating respondent's parental rights. *Trejo, supra* at 356-357.

We affirm.

/s/ Jane E. Markey
/s/ Mark J. Cavanagh
/s/ Henry William Saad