

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRANDON WILSON, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LEONARD BROWN,

Respondent-Appellant,

and

PATRICIA WILSON,

Respondent.

UNPUBLISHED

June 15, 2004

No. 252431

Genesee Circuit Court

Family Division

LC No. 91-088603-NA

Before: Sawyer, P.J., and Gage and Owens, JJ.

MEMORANDUM.

Respondent Brown appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii), (g) and (j). We affirm.

The trial court did not clearly err in finding that at least one statutory ground for termination had been proved by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Respondent left his son with the boy's mother even though she was an unfit custodian due to her long-term history of substance abuse. He never sought custody and declined services from petitioner. 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.

Respondent's argument that he was denied his due process rights not raised and addressed below and thus it has not been preserved for appeal. *Camden v Kaufman*, 240 Mich App 389, 400 n 2; 613 NW2d 335 (2000). Having reviewed the record, we find that respondent has failed to establish plain error. *Kern v Blethen-Coluni*, 240 Mich App 333, 336; 612 NW2d 838 (2000). Although respondent did not receive actual notice of some proceedings, the record

shows that he did receive service of process and notice of the adjudicatory and termination hearings in the manner provided by the court rules. See MCR 5.920 (now MCR 3.920).

Affirmed.

/s/ David H. Sawyer

/s/ Hilda R. Gage

/s/ Donald S. Owens