

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LILLIAN ROSE TYNDALL,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

GEORGE HENRY THOMAS, JR.,

Respondent-Appellant.

UNPUBLISHED

January 27, 2009

No. 288104

Cheboygan Circuit Court

Family Division

LC No. 07-004264-NA

Before: Hoekstra, P.J., and Fitzgerald and Zahra, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (h), (j), (m), and (n)(i).¹ We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing legally admissible evidence.² MCR 3.977(E)(3); *In re Archer*, 277 Mich App 71, 73; 744 NW2d 1 (2007). The child's brother and half-sister became the subject of child protective proceedings after the sister revealed, and respondent admitted, that respondent had sexually abused her. Respondent subsequently voluntarily released his parental rights to his son. As a result of criminal proceedings, respondent was convicted of three counts of second-degree criminal sexual conduct, MCL 750.520c(1)(a), and was serving prison sentences of 4 to 15 years each.

Further, the evidence showed that respondent had never met his daughter and, because of his lengthy prison sentence, would not be available to establish any bond for several years. The

¹ Contrary to what respondent asserts, the trial court did not rely on § 19b(3)(f) as a statutory basis for termination.

² Contrary to what respondent asserts, the initial petition included a request for termination of respondent's parental rights at the initial dispositional hearing. See MCL 712A.19b(4); MCR 3.977(E).

trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5).

Affirmed.

/s/ Joel P. Hoekstra
/s/ E. Thomas Fitzgerald
/s/ Brian K. Zahra