STATE OF MICHIGAN

COURT OF APPEALS

In re S. SALTO, Minor.

UNPUBLISHED
January 12, 2016

No. 328234
Kent Circuit Court
Family Division
LC No. 14-051215-NA

Before: BOONSTRA, P.J., and SAWYER and MARKEY, JJ.

PER CURIAM.

Respondent-father appeals by right the trial court's order terminating his parental rights to the minor child, SS, after he consented to termination of those rights.[1] We affirm.

SS was removed from her mother's care in April 2014. At the time respondent-father was and continues to be incarcerated for third-degree criminal sexual conduct. His earliest release date is October 2023. Although petitioner originally sought to terminate respondent-father's parental rights, it retracted that request in exchange for his admitting to an amended removal petition at the adjudication hearing. Following that hearing, respondent-father was included in the case-service plan and was provided services in the form of petitioner's sending him monthly parenting articles that he would read and respond to. Respondent-father attended the dispositional review hearings and permanency planning hearing by video link.

At the permanency planning hearing, however, petitioner requested, and the court agreed, that the goal be changed from reunification to adoption. A termination hearing was held on June 3, 2015. The court informed respondent-father that if he admitted to the supplemental petition, the court "would enter an order terminating parental rights." Respondent-father voluntarily admitted to the supplemental petition, and the court then terminated his parental rights.

Respondent-father now argues that respondent did not make reasonable efforts to reunify him with SS. This issue is unpreserved because it was not raised below. *In re Frey*, 297 Mich App 242, 247; 824 NW2d 569 (2012). Unpreserved issues are reviewed for plain error affecting substantial rights. *In re Utrera*, 281 Mich App 1, 9; 761 NW2d 253 (2008). "Generally, an error

[1] The child's mother also consented to the termination of her parental rights, but she has not appealed.

affects substantial rights if it caused prejudice, i.e., it affected the outcome of the proceedings." *Id*.

"The state is not relieved of its duties to engage an absent parent merely because that parent is incarcerated." *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010). And unless one of the statutory exceptions applies, "[r]easonable efforts to reunify the child and family must be made in all cases . . . ." MCL 712A.19a(2). One of the statutory exceptions to making "reasonable efforts" is when a "parent is required by court order to register under the sex offenders registration act." MCL 712A.19a(2)(d). Section 3(1)(a) of Michigan's Sex Offenders Registration Act (SORA), MCL 28.721 *et seq.*, requires "[a]n individual who is convicted of a listed offense after October 1, 1995" to be registered. A "listed offense" is defined as a tier I, tier II, or tier III offense. MCL 28.722(j). Included as a tier II offense is MCL 750.520d, criminal sexual conduct in the third degree. MCL 28.722(w)(*iv*); MCL 750.520d.

Respondent-father admitted at the adjudication hearing that he was convicted in January 2014 of third-degree criminal sexual conduct. Accordingly, respondent-father had to register under SORA, so reasonable reunification efforts were not required. MCL 712A.19a(2)(d). Respondent-father's assertion of error is without merit.

We affirm.

/s/ Mark T. Boonstra
/s/ David H. Sawyer
/s/ Jane E. Markey