

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
July 9, 2013

In the Matter of DUNLAP, Minors.

No. 313791
Ingham Circuit Court
Family Division
LC No. 12-000582-NA

Before: BECKERING, P.J., and SAAD and O'CONNELL, JJ.

MEMORANDUM.

Respondent appeals the trial court's order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(g), (h), (j), and (n). For the reasons set forth below, we affirm.

We review for clear error the trial court's factual findings in an order to terminate parental rights. See MCR 3.977(K); *In re Rood*, 483 Mich 73, 90; 763 NW2d 587 (2009). "[T]he preponderance of the evidence standard applies to the best-interests determination." *In re Moss*, ___ Mich App ___; ___ NW2d ___ (2013), slip op at 3.

At trial, respondent admitted that he was convicted of second-degree criminal sexual conduct, MCL 750.520c. This conviction may serve as a ground for the termination of parental rights if "the court determines that termination is in the child's best interests because continuing the parent-child relationship with the parent would be harmful to the child." MCL 712A.19b(3)(n)(i).

The trial court correctly ruled that continuing the parent-child relationship with respondent would be harmful to the children because, by the time respondent is released from prison, his children would be around the same age as the child respondent sexually assaulted. Respondent has presented no evidence or legal authority to rebut this finding by the trial court, and his argument that termination was not in the children's best interests because he "wanted to do right by the children, and get his life together" is not persuasive. See *Rood*, 483 Mich at 90.

Respondent argues that the trial court based its best interests decision on the mere fact that he had never met the children and had absolutely no bond with them. Contrary to this assertion, the record shows the court considered numerous factors when making the best-interests findings. See *In re Olive/Metts*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012). Specifically, the trial court found that termination of respondent's parental rights was clearly in the children's best interests because: (1) by the time respondent is released from prison, his

children will be around the same age as the child he sexually abused, so establishing any kind of “parent/child relationship” between respondent and his children at that time would not be in the children’s best interests; (2) depriving the children of a “normal home” during the years remaining in respondent’s prison term would not be reasonable considering the children’s ages because they “deserve to have permanency;” (3) returning the children to respondent’s care would pose a substantial risk of harm to the children; (4) the children have already begun to form bonds with their current caregivers; and (5) respondent has no bond with his children to preserve. These factors clearly established that termination was in the best interests of the children.

Because our resolution of these issues is dispositive, we need not consider respondent’s other arguments on appeal.

Affirmed.

/s/ Jane M. Beckering
/s/ Henry William Saad
/s/ Peter D. O’Connell