

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
December 13, 2011

In the Matter of HOLMES, Minors.

No. 304886
Barry Circuit Court
Family Division
LC No. 11-008212-NA

Before: MARKEY, P.J., and FITZGERALD and BORRELLO, JJ.

PER CURIAM.

Respondent father appeals as of right the order terminating his parental rights to the minor children under MCL 712A.19b(3)(b)(i), MCL 712A.19b(3)(j), and MCL 712A.19b(3)(k)(ii). We affirm.

“In order to terminate parental rights, the trial court must find that at least one of the statutory grounds of MCL 712A.19b . . . has been met by clear and convincing evidence.” *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). Once the petitioner has established a statutory ground for termination, and finds that termination is in the best interests of the children, the trial court shall order termination of parental rights. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). Respondent concedes that one of the statutory grounds of MCL 712A.19b was met, but argues that termination of his parental rights was not in the best interests of the children. Respondent specifically argues that no justification exists for termination of his parental rights because, even though respondent was convicted of sexually abusing the 13-year-old half-sister of his children, he did not sexually abuse his own children and will never be in a position to sexually abuse the children because they will be adults when he gets out of prison. We review for clear error the trial court’s findings regarding whether termination is in the best interests of the children. *In re Trejo*, 462 Mich at 356-357.

The record does not indicate that a strong bond existed between respondent and the children. The guardian ad litem specifically indicated that the children did not ask about respondent, talk about respondent, or indicate that they miss respondent. The guardian ad litem further indicated that respondent was not a part of the children’s lives. Respondent was sentenced to concurrent prison terms of 180 to 360 months for first-degree criminal sexual conduct (CSC), and 120 to 180 months for second-degree CSC, with credit for 108 days. Thus, respondent will remain incarcerated for the whole of the children’s minorities. Further, the trial court specifically ordered that respondent never be around children and that he have no contact with his children. Respondent is unable to support the children financially while in prison and,

importantly, did not recognize that he had engaged in inappropriate acts with his stepdaughter (the acts that resulted in his CSC convictions). Moreover, termination of respondent's parental rights will result in permanency for the children so that they can move on with their lives. Based on the foregoing, the children will benefit from, and there is justification for, the termination of respondent's parental rights. Accordingly, the trial court did not clearly err when it found that termination of respondent's parental rights were in the children's best interests. *Id.*

Affirmed.

/s/ Jane E. Markey
/s/ E. Thomas Fitzgerald
/s/ Stephen L. Borrello