

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DANYEIL MARI HAKANSON,
Minor

THERESA SCHUBERT,

Petitioner-Appellee,

v

RICHARD HAKANSON,

Respondent-Appellant.

UNPUBLISHED
October 14, 1997

No. 197708
Manistee Juvenile Court
LC No. 96-000004-AD

In the Matter of JUSTIN RICHARD HAKANSON,
Minor

THERESA SCHUBERT,

Petitioner-Appellee,

v

RICHARD HAKANSON,

Respondent-Appellant.

No. 197737
Manistee Juvenile Court
LC No. 96-000005-AD

Before: O'Connell, P.J., and MacKenzie and Gage, JJ.

PER CURIAM.

This case involves a stepparent adoption. Respondent appeals as of right from a juvenile court order terminating his parental rights to the minor children, Danyiel Mari Hakanson (born 10/26/87) and

Justin Richard Hakanson (born 7/6/89), pursuant to MCL 710.51(6); MSA 27.3178(555.51)(6). We affirm.

The parties were divorced on January 4, 1994. Petitioner was granted physical custody of the children, while the parties shared legal custody. Respondent was ordered to pay forty dollars a week in child support until the end of February, 1994; support was then increased to seventy dollars a week.

Petitioner married Timothy Schubert on September 16, 1994. Their petitions for stepparent adoption were filed on June 6, 1996.

At the time the petitions were filed, respondent was almost \$6,670 in arrears in child support; his last three payments were \$750 in April 1996, \$800 in July 1995, and \$1,500 in October 1994. He agreed with petitioner's testimony that these payments were made in response to a bench warrant and two petitions for contempt for non-payment of child support. However, respondent explained that his erratic payment history was due to the seasonal nature of his work in construction. Respondent also indicated that he had lost his contractor's license because he failed to pay the requisite licensure fee.

Respondent's house burned down in September 1994, and a woman living in the house – variously described as either a tenant or a girlfriend – was killed in the fire. Respondent's insurance claim was denied, apparently on the basis that he burned the house for the proceeds. In his subsequent action against the insurer, however, respondent testified that he had money and that, if he “felt like it,” he could probably have paid off all his debts.

Respondent has had no contact with the children since December 1994. He understood that he had to get three drunk driving convictions cleared before he could visit with his children, and he had not done so until approximately the same time petitioner started this proceeding. Respondent also indicated that he lacked transportation to see the children, although his sister testified that she had offered to drive him. Respondent indicated that at one point after the fire, he petitioned for visitation. He dropped the matter, however, because the man he was staying with did not want the Friend of the Court to conduct an in-home inspection. Respondent stated that he did not know the children's address and phone number because a restraining order prohibited him from contacting petitioner, although petitioner testified that the Friend of the Court had her address. Respondent admitted that he had not regularly and substantially contacted or communicated with the children during the preceding two years. According to respondent, he did not make more of an effort to see his children because of the personal tragedies in his life and his financial situation.

The juvenile court did not clearly err in finding there was clear and convincing evidence that, for more than two years, respondent failed to substantially comply with the support order and that he regularly and substantially failed or neglected to visit, contact or communicate with the children, although he had the ability to do so. *In re Simon*, 171 Mich App 443, 431 NW2d 71 (1988).

Affirmed.

/s/ Peter D. O'Connell
/s/ Barbara B. MacKenzie

/s/ Hilda R. Gage