

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of T.B., R.B., and S.B., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RICKY R. BENNETT,

Respondent-Appellant,

and

TONYA BENNETT,

Respondent.

UNPUBLISHED

May 13, 2003

No. 243663

Mecosta Circuit Court

Family Division

LC No. 01-004043

Before: Saad, P.J., and Meter and Owens, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court's order terminating his parental rights to his three minor children under MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm.

The trial court did not clearly err in finding that statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Two of the minor children were previous victims of sexual and physical abuse, and all three exhibited extreme behaviors. Respondent-appellant encouraged the children to falsely accuse their foster father of sexual assault in order to manipulate the return of the children. Respondent-appellant pleaded guilty to the false report of a felony charge and agreed to serve up to nine months in jail. He had a history of domestic violence and other assaultive conduct. He did not make suitable arrangements to take care of his children during his period of incarceration. In addition, during the time the girls were in foster care, respondent-appellant failed to establish consistent and appropriate housing, especially given the unique needs of the children, and he failed to adequately supervise his children during unsupervised visits. Thus, the trial court did not err in terminating respondent-appellant's parental rights to the children.

Moreover, respondent-appellant did not object in the trial court to the court's exercise of personal jurisdiction over him or its failure to personally serve him with the summons and petition requesting termination of his parental rights. Therefore, we review the jurisdictional issue raised by respondent-appellant for plain error that affected respondent-appellant's substantial rights. *People v Carines*, 460 Mich 750, 774; 597 NW2d 130 (1999). Respondent-appellant was personally served with the original petition,¹ attended all proceedings along with counsel, testified himself at the termination trial, and presented witnesses on his own behalf. Under these circumstances, even if a plain error occurred, we cannot say that the error affected respondent-appellant's substantial rights.² Accordingly, reversal is unwarranted.

Affirmed.

/s/ Henry William Saad
/s/ Patrick M. Meter
/s/ Donald S. Owens

¹ The referee handed respondent a copy of the initial petition at the preliminary hearing and advised him of his right to counsel.

² Moreover, we note that in *In re CR*, 250 Mich App 185, 202-203; 646 NW2d 506 (2002), this Court stated that once jurisdiction over a child is properly established, the court is empowered to make determinations against any adult and may enter orders it considers necessary for the interests of the child.