

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of KELLIE ANN STUMP and  
JOSEPH SAMUEL STUMP, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WILLIAM STUMP,

Respondent-Appellant.

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UNPUBLISHED  
October 14, 2003

No. 247680  
Lake Circuit Court  
Family Division  
LC No. 96-000352-NA

Before: Griffin, P.J., and Neff and Murray, JJ.

PER CURIAM.

Respondent appeals by delayed leave granted from the trial court's order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(a)(ii), (g), and (j). We affirm.

The trial court did not clearly err in finding that §§ 19b(3)(g) and (j) were each proved by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent's lack of cooperation with the home study, the results of his psychological evaluation, other expert testimony, and his own testimony demonstrated his failure to recognize his children's needs, his unfitness to care for them, an unwillingness to change, and a high probability that the children would be harmed if they were placed in his care. Because the trial court's findings concerning §§ 19b(3)(g) and (j) are not clearly erroneous, and because either of these subsections alone provide a sufficient basis for terminating respondent's parental rights, we need not address whether respondent's failure to attempt to contact the children after he allegedly heard of their deaths constituted desertion under § 19b(3)(a)(ii). *In re Huisman*, 230 Mich App 372, 385; 584 NW2d 349 (1998).

Respondent also argues that the proceedings that led to termination of his parental rights should be considered void because he was not notified of the earlier proceedings that culminated in the termination of the mother's parental rights. Because this issue was not raised below, it is not preserved for appellate review. *In re NEGP*, 245 Mich App 126, 134; 626 NW2d 921 (2001). In any event, it lacks merit.

As a noncustodial parent, respondent was entitled to notice of the proceedings involving his children and their mother. *In re Mayfield*, 198 Mich App 226, 231; 497 NW2d 578 (1993), citing MCL 712A.12, MCL 712A.13. This Court has reversed orders terminating parental rights in the absence of notice required by MCL 712A.12. See, e.g., *In re Atkins*, 237 Mich App 249; 602 NW2d 594 (1999); *In re Brown*, 149 Mich App 529; 386 NW2d 577 (1986). Nevertheless, the deficiency in notice with the earlier proceedings involving the children's mother does not entitle respondent to relief, because petitioner essentially restarted the proceedings with respect to respondent in June 2001. At that time, petitioner filed a new petition alleging that the children came within the jurisdictional provisions of MCL 712A.2, following which the trial court held a preliminary hearing and authorized the petition. At respondent's request, the petition was adjudicated by way of a jury trial. Petitioner later filed a supplemental petition to terminate respondent's parental rights. Respondent does not assert any notice deficiencies in connection with the proceedings that resulted in the termination of his parental rights. We reject respondent's position that the notice deficiencies relating to the earlier proceedings render these independent proceedings void.

Affirmed.

/s/ Richard Allen Griffin  
/s/ Janet T. Neff  
/s/ Christopher M. Murray