

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of DANIEL VETTRAINO,  
DANIELLE VETTRAINO, AMBER VETTRAINO,  
ANGELA VETTRAINO, LESLIE VETTRAINO,  
and MICHAEL VETTRAINO, Minors.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

UNPUBLISHED  
February 12, 1999

v

No. 209609  
St. Clair Juvenile Court  
LC No. 97-000048

ANTHONY VETTRAINO,

Respondent-Appellant,  
and

ANGELA K. VETTRAINO and RAYMOND  
DONFORIO,

Respondents.

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Before: Markman, P.J., and Bandstra and J.F. Kowalski\*, JJ.

MEMORANDUM.

Respondent Anthony Vettrains appeals as of right the juvenile court order terminating his parental rights to six minor children under MCL 712A.19b(3)(c)(i), (c)(ii), (h) and (j); MSA 27.3178(598.19b)(3)(c)(i), (c)(ii), (h) and (j).<sup>1</sup> We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The family at issue here has been investigated sixteen times since 1988 and the children have been removed from the home three times previously. The allegations were similar in each investigation:

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\* Circuit judge, sitting on the Court of Appeals by assignment.

improper supervision, sexual abuse by the mother's boyfriends or baby-sitters, sexual abuse by an older sibling on younger siblings, the mother's failure to protect, absenteeism from school, improper or lack of clothing, lack of furniture and minimal food. The children also reported that their mother was consuming crack and would leave for weekends on crack binges. Respondent has been incarcerated since 1994 and will be released in 1999, although he has been either in prison or on parole continually since 1978. The children reported minimal knowledge of him. On February 4, 1997, county workers visited the home and found the children home alone,<sup>2</sup> several children hiding and sleeping in the crawl space in the attic, little furniture in the house, stained mattresses, piles of clothes in the corners, little food, and not enough shoes or coats for all of the children. On February 7, 1997, a petition for removal of the children was filed, alleging neglect and an unfit home. After removal of the children, respondent received the petition. Respondent never contacted the younger children, saying that he did not know where they were, and although he claimed that he sent the two letters to the Family Independence Agency ("FIA") worker, the worker never received them. However, mail from respondent to his fourteen-year old twins was confiscated by a foster parent: It contained gang signs, gang marking and discussed gang-related activities. Previously, respondent took two of his sons with him while he committed crimes of breaking and entering. Respondent admitted that, since he has been constantly in and out of prison, he was not able to care for his children. On January 22, 1998, the juvenile court terminated respondent's parental rights to the children.<sup>3</sup>

The juvenile court did not clearly err in finding that statutory grounds for termination under §§ 19b(3)(c)(i) and (g) were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, respondent failed to show that termination of his parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the juvenile court did not err in terminating respondent's parental rights to the minor children.

Affirmed.

/s/ Stephen J. Markman

/s/ Richard A. Bandstra

/s/ John F. Kowalski

<sup>1</sup> The mother of the minor children and the biological father of minor Leslie Vettraino do not appeal the concurrent termination of their parental rights.

<sup>2</sup> Daniel was not present in the house at this time.

<sup>3</sup> The petition for termination against all three parents was brought on the grounds that conditions which led to the adjudication continue to exist and there is no reasonable likelihood that conditions will be rectified with a reasonable time, MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i), other condition have arisen to cause the children to come within the jurisdiction of the court and there is no reasonable likelihood the conditions will be rectified within a reasonable time, MCL 712A.19b(3)(c)(ii); MSA 27.3178(598.19b)(3)(c)(ii), a parent is imprisoned for such a period that the children will be deprived of a normal home for a period exceeding two years, and the parent has not provided for the children's proper care or custody, and there is no reasonable expectation that the parent will be able to

provide proper care or custody within a reasonable time, MCL 712A.19b(3)(h); MSA 27.3178(598.19b)(3)(h), and there is a reasonable likelihood, based on the conduct or capacity of the children's parent, that the children will be harmed if he or she is returned to the home, MCL 712A.19b(3)(j); MSA 27.3178(598.19b)(3)(j). The court did not specify under which subsection he terminated respondent's parental rights.