

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

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In the Matter of MAURICE CORTEZ MASSEY,  
VINCENT NICHOLAS ALEXANDER, JR.,  
TANEISHA ANTOINETTE EHPIA BARNES, and  
ANTONIO LEE BARNES, JR., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MAUREEN MASSEY,

Respondent,

and

ANTONIO LEE BARNES, a/k/a MARIO  
SIMMONS,

Respondent-Appellant,

and

VINCENT NICHOLAS ALEXANDER PEOPLES,  
a/k/a VINCENT ALEXANDER and VINCENT  
PEOPLES, and JAMES EDDIE BLAKE,

Respondents.

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Before: Neff, P.J., and Holbrook, Jr., and Jansen, JJ.

PER CURIAM.

Respondent-appellant Antonio Lee Barnes appeals as of right from a January 18, 2000, order of the family court terminating his parental rights to his three children: Maurice Cortez

UNPUBLISHED

January 23, 2001

No. 226291

Wayne Circuit Court

Family Division

LC No. 97-357854

Massey, Taneisha Antoinette Ehpie Barnes, and Antonio Lee Barnes, Jr., pursuant to MCL 712A.19b(3)(c)(i), (g), (h), and (j); MSA 27.3178(598.19b)(3)(c)(i), (g), (h), and (j).<sup>1</sup> We affirm.

Respondent-appellant's sole contention on appeal is that the family court clearly erred in terminating his parental rights to his three children because the statutory bases were not supported by clear and convincing evidence. Although only one statutory basis must be proven by clear and convincing evidence to warrant termination, MCL 712A.19b(3); MSA 27.3178(598.19b)(3), we find that all four statutory bases were established by clear and convincing evidence. From the time of the initial filing of the petition on August 5, 1997, until the final order terminating parental rights on January 18, 2000, respondent-appellant was incarcerated for a conviction of armed robbery. Other than sending the children one letter, he had no contact with the children, nor did he have contact with any of the foster care workers. Although he was present at the court hearings by speaker telephone, was working toward a GED, had attended drug therapy and impulse control programs, he had not attended any parenting programs and was uncertain of employment and living arrangements after his release from prison, which he anticipated would be by October 2000. There was no other indication that respondent-appellant would be able to provide care and custody for the children after his release from prison, and he had not done so during his incarceration.

Consequently, we find that the family court's findings and decision to terminate parental rights are not clearly erroneous. *In re Trejo Minors*, 462 Mich 341, 356-257; 612 NW2d 407 (2000). Further, we find that there is not clear evidence on the whole record that termination is clearly not in the children's best interests. *Id.*, p 354; MCL 712A.19b(5); MSA 27.3178(598.19b)(5).

Affirmed.

/s/ Janet T. Neff  
/s/ Donald E. Holbrook, Jr.  
/s/ Kathleen Jansen

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<sup>1</sup> We note that respondent-appellant is not the father of Vincent Nicholas Alexander, Jr. His parents are Maureen Massey and Vincent Nicholas Alexander Peoples, neither of whom are parties to this appeal. James Eddie Blake is the purported father of a fifth child of Ms. Massey's, who tragically died during the pendency of these proceedings.