

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of D.J.B., D.L.B., J.D.H., J.D.H.,
D.H., and J.M.H., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DONNEL HOLMES-EL, a/k/a DONNEL
HOLMES,

Respondent-Appellant,

and

DALETHA JOANN GREEN and DWIGHT
LETRENT BANKS,

Respondents.

UNPUBLISHED

August 23, 2002

No. 238028

Wayne Circuit Court

Family Division

LC No. 00-390578

Before: White, P.J., and Neff and Jansen, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating his parental right to his children J.D.H., J.D.H., D.H., and J.M.H. pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).¹ We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from

¹ The trial court's order also terminated the parental rights of respondent Daletha Joann Green, the mother of all the children involved in the case, and respondent Dwight Letrent Banks, the father of D.J.B. and D.L.B. Respondents Green and Banks have not appealed the order.

evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.* at 356-357.

We hold the trial court did not err in finding that petitioner established by clear and convincing evidence one or more statutory grounds for termination of respondent's parental rights. The evidence showed that respondent had been incarcerated for several years before the children were taken into custody, and it was possible he could remain in prison for nearly ten additional years. Respondent had not seen the children since his incarceration, and he offered no viable plan for the children's care during his imprisonment. The evidence also showed that whenever respondent gained his release he would be required to demonstrate he could provide proper care and custody for the children before he could gain custody.

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds the conditions that led to the adjudication continued to exist and were not reasonably likely to be rectified within a reasonable time considering the children's ages, MCL 712A.19b(3)(c)(i), that respondent failed to provide proper care or custody for the children and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that it was reasonably likely the children would be harmed if returned to respondent's care, MCL 712A.19b(3)(j). The evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCR 5.974(I); *Trejo, supra*.

Affirmed.

/s/ Helene N. White

/s/ Janet T. Neff

/s/ Kathleen Jansen