

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

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In the Matter of V.M.P., D.M.V., and N.J.M.V.,  
Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

NATALIE JANE PORTER,

Respondent-Appellant.

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UNPUBLISHED

October 18, 2002

No. 238539

Macomb Circuit Court

Family Division

LC No. 98-047001-NA

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In the Matter of V.M.P., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SEAN ANDREW PORTER,

Respondent-Appellant.

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No. 239021

Macomb Circuit Court

Family Division

LC No. 98-047001-NA

Before: Murphy, P.J., and Markey and R.S. Gribbs\*, JJ.

PER CURIAM.

In these consolidated appeals, respondent-mother appeals by right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j), and respondent-father appeals by right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), (h), and (j). We affirm.

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

We have carefully reviewed the lower court record and conclude that the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence with respect to both respondents. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Furthermore, the evidence did not show that termination of each respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

In addition, respondent-mother argues that the trial court deprived her of her constitutional right to parent her children. Once there is clear and convincing evidence that at least one statutory ground for termination has been established, the liberty interest of the parent no longer includes the right to custody and control of the children. *Trejo, supra* at 355. Because clear and convincing evidence exists to support terminating respondent-mother's parental rights, she no longer has a constitutional right to parent her children.

Respondent-mother also argues that the trial court did not have jurisdiction over V.M.P. and D.M.V. because she had placed them in a limited guardianship with her mother. The limited guardianship was not in place when the trial court took jurisdiction over V.M.P. and D.M.V. Therefore, the children were "without proper custody or guardianship" within the meaning of MCL 712A.2(b)(1), and the trial court had a statutory basis to assert jurisdiction over the children.

Respondent-father argues that the Family Independence Agency failed to establish a parent-agency agreement for him and failed to provide services to him. The Family Independence Agency was justified in its decision not to establish a parent-agency agreement for respondent-father or provide services to him because respondent-father was incarcerated and will remain incarcerated until the minor child is nineteen years old. MCL 712A.18f(1)(b).

Therefore, the trial court did not err in terminating respondents' parental rights to the children.

We affirm.

/s/ William B. Murphy

/s/ Jane E. Markey

/s/ Roman S. Gribbs