

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANTAZJIAH LETIA JOHNSON,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANTHONY JOHNSON,

Respondent-Appellant,

and

LINDA TABLES,

Respondent.

UNPUBLISHED

January 22, 2004

No. 250940

Saginaw Circuit Court

Family Division

LC No. 02-027840

Before: Donofrio, P.J., and Griffin and Jansen, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in determining that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J), formerly MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The conditions leading to adjudication were respondent-appellant's failure to provide proper care or custody or stable housing for Antazjiah's half sibling, and respondent-appellant's past incarceration. Neglect of Antazjiah's half sibling applies to Antazjiah through the doctrine of anticipatory neglect because respondent-appellant's treatment of another child, even one not his offspring, is probative of how he will treat Antazjiah. *In re Powers*, 208 Mich App 582, 588-593; 528 NW2d 799 (1995); *In re LaFlure*, 48 Mich App 377, 392; 210 NW2d 482 (1973). Clear and convincing evidence showed that at the time of the termination hearing respondent-appellant did not have stable housing, was incarcerated for an unknown length of time, and had not improved his parenting abilities, thus establishing MCL 712A.19b(3)(c)(i) and (g) as grounds for termination.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Antazjiah was removed from respondent-appellant at birth, and respondent-appellant visited her only four to five hours in the three months prior to the filing of the termination petition. Respondent-appellant did not express a great desire to parent Antazjiah, but preferred visitation when convenient. He was incarcerated, and even after release did not possess the parenting skills necessary to provide her with the nurture she needed, whereas the relative placement was able to meet her needs.

The trial court did not err in terminating respondent-appellant's parental rights to the child.

Affirmed.

/s/ Pat M. Donofrio
/s/ Richard Allen Griffin
/s/ Kathleen Jansen