

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TARIQ COLLINS-EL, JESSE
JUSTIN COLLINS-EL, and ROBERT LANCE
COLLINS-EL, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TERRY GENE COLLINS-EL,

Respondent-Appellant,

and

DESAHANNA NICOLE TERRY,

Respondent.

UNPUBLISHED
August 12, 2004

No. 252204
Macomb Circuit Court
Family Division
LC No. 95-041694-NA

Before: Hoekstra, P.J., and Cooper and Kelly, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (h). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The principal conditions that led to adjudication were environmental neglect and respondent-appellant's unavailability to care for the children because of his incarceration in the county jail for domestic violence against the children's mother. The children were living in a one-bedroom apartment with their mother and maternal grandmother. They suffered severe developmental delays and other conditions indicative of neglect. At the time the trial court terminated respondent-appellant's parental rights, he was again incarcerated, this time serving a sentence of four years, two months to fifteen years on a conviction for assault with intent to do great bodily harm less than murder, in violation of MCL 750.84. The victim again was the children's mother.

Because of his incarceration, respondent-appellant is unable to visit the children and unavailable to work meaningfully on his Parent Agency Agreement. When the trial court issued its termination order, the children were ages four, three, and two and had not seen respondent-appellant in more than a year. We find no clear error in the trial court's determination that the conditions of adjudication continue to exist and would not be rectified within a reasonable time considering the children's ages. MCL 712A.19b(3)(c)(i).

Further, respondent-appellant's imprisonment would continue for more than three years when the trial court issued its order. Thus, the evidence showed that the children will be deprived of a normal home during that time because their mother's parental rights were also terminated and respondent-appellant made no provision for the children to be cared for while he was in prison. There is also no reasonable expectation that respondent-appellant will be able to provide proper care and custody for the minor children within a reasonable time considering the children's ages. MCL 712A.19b(3)(h). Thus, two statutory grounds were proven by clear and convincing evidence. Only one statutory ground need be established to terminate parental rights. MCL 712A.19b(3); *Trejo, supra* at 354, 355.

Further, the evidence failed to show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357. Although respondent-appellant loved his children, there was evidence that a strong emotional bond was lacking. The children had been badly damaged by parental neglect and will need years of remedial services and therapy. They need a permanent, safe, stable home, which respondent-appellant cannot provide. Consequently, the trial court did not clearly err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Jessica R. Cooper
/s/ Kirsten Frank Kelly