

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of DUANE JACOB SCHWERIN,  
Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

JAYNE SCHWERIN,

Respondent-Appellant.

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UNPUBLISHED

August 24, 2004

No. 253435

Macomb Circuit Court

Family Division

LC No. 00-049635-NA

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

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), (h), and (j). We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *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 evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 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 that the trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for termination of respondent's parental rights. Respondent but does not specifically challenge the trial court's finding that termination of her parental rights was warranted under MCL 712A.19b(3)(c)(i), (g), and (j). We conclude that respondent has abandoned this argument on appeal. *Yee v Shiawassee Co Bd of Comm'rs*, 251 Mich App 379, 406; 651 NW2d 756 (2002). Respondent's child was removed from her custody after she was arrested in a narcotics raid at her home. At the time of the termination hearing, respondent could not articulate a specific plan for the child upon her release from prison. The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that the conditions that lead to adjudication continued to exist and were not likely to be rectified within a reasonable time, MCL 712A.19b(3)(c)(i), that respondent failed to provide proper care or custody for the child and

could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that there was a reasonable likelihood that the child would be harmed if returned to respondent's custody, MCL 712A.19b(3)(j).

The trial court also did not clearly err in finding that respondent's parental rights should be terminated pursuant to MCL 712A.19b(3)(h). On November 1, 2001 respondent was sentenced to two to twenty years in prison. The evidence showed that respondent failed to provide proper care or custody for the child before her imprisonment, and that her incarceration and need for services upon release would deprive the child of a normal home life in excess of two years. *In re Perry*, 193 Mich App 648, 650; 484 NW2d 768 (1992). The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the ground of imprisonment, MCL 712A.19b(3)(h), and that the evidence failed to establish that termination of her parental rights was clearly not in the child's best interests. MCL 712A.19b(5).

Affirmed.

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