

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of WESLEY JAMES MARK, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

VINCENT E. MARK,

Respondent-Appellant,

and

DONNA LEE KISER and ROBERT GLENN
KISER,

Respondents.

UNPUBLISHED
September 14, 2004

No. 254023
Wayne Circuit Court
Family Division
LC No. 00-393368

In the Matter of WESLEY JAMES MARK, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DONNA LEE KISER,

Respondent-Appellant,

and

VINCENT EUGENE MARK and ROBERT
GLENN KISER,

Respondents.

No. 254050
Wayne Circuit Court
Family Division
LC No. 00-393368

Before: Donofrio, P.J. and White and Talbot, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the termination of their parental rights to the minor child under MCL 712A.19b(3)(i). Because the trial court did not clearly err in finding clear and convincing evidence for termination of parental rights, and termination was not clearly contrary to the children's best interests, we affirm. These appeals are being decided without oral argument pursuant to MCL 7.214(E)(1)(b).

The trial court did not clearly err in finding clear and convincing evidence to establish the statutory ground for termination of respondents' parental rights under MCL 712A.19b(3)(i). MCR 3.977(J); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000); *In re Powers*, 208 Mich App 582, 588; 528 NW2d 799 (1995); *In re Baby X*, 97 Mich App 111, 116; 293 NW2d 73 (1980). Subsection (i) requires that there were prior terminations of parental rights due to "serious and chronic neglect or physical or sexual abuse" and that prior attempts to rehabilitate the parents have been unsuccessful.

Respondent Kiser's parental rights to four other children were terminated under subsections (c)(i), (g), and (j). This Court affirmed, finding that respondent Kiser had abused drugs, including during her pregnancy, failed to protect the older children from physical abuse by respondent Mark, and did not carry out several important requirements of the Parent-Agency Agreement. *In re Melissa Jo-Ann Kiser, et al, Minors*, unpublished per curiam opinion of the Court of Appeals, decided November 20, 2003 (Docket Nos. 245575, 245692). This Court also noted that respondent Kiser failed to complete drug treatment programs, continued to abuse drugs, and failed to take advantage of programs that would lessen the chance that she would fail to protect other children from future abuse. *Id.* Respondent Mark had his rights to two children terminated under subsections (g) and (j). *Id.* He had physically abused the children with a belt, continued to use drugs, and visited the children irregularly and infrequently. He also owed over \$50,000 in child support. Prior attempts to at rehabilitation of respondent-appellant Mark were likewise unsuccessful. This Court found sufficient evidence to terminate his parental rights to both children under subsection (j) and sufficient evidence to terminate his parental rights to one child only under subsection (g). *Id.*

We find that these prior terminations of both respondents' rights to Wesley's siblings were for serious and chronic neglect or physical abuse and that attempts to rehabilitate both parents during these prior proceedings were unsuccessful. Therefore, the trial court did not err in terminating their parental rights to Wesley under MCL 712A.19b(3)(i).

Finally, we find no clear error in the trial court's determination that termination of respondents' parental rights was not clearly contrary to Wesley's best interests. *Trejo, supra* at 354. Because the child was removed at the hospital after his birth and visitation was denied, there was no parent-child bond. The evidence showed that both respondents continued to abuse drugs during the pendency of the case. Respondent Mark admitted using cocaine about a week before the final termination hearing, while respondent Kiser knowingly used cocaine while pregnant and Wesley was born positive for cocaine. Respondent Kiser again tested positive for

cocaine two weeks after Wesley's birth. Considering this evidence and that cited by the panel affirming the previous terminations, we find that the evidence did not show that termination of respondents' parental rights was clearly not in Wesley's best interests.

Affirmed.

/s/ Pat M. Donofrio
/s/ Helene N. White
/s/ Michael J. Talbot