

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KE'ARRA ZANDARSKI, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

JENNIFER ZANDARSKI,

Respondent-Appellant,

and

CARLYLE STRONG and DARRIEN WILLIS,

Respondents.

UNPUBLISHED

April 7, 2005

No. 258120

Berrien Circuit Court

Family Division

LC No. 03-000117

Before: Kelly, P.J., and Sawyer and Wilder, JJ.

MEMORANDUM.

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

In 1993, respondent-appellant gave birth to the child while incarcerated for assault with intent to do great bodily harm and granted legal guardianship to the child to her mother. Ten years later respondent-appellant's mother was diagnosed with a mental illness and admitted to a Protective Services worker that she was unable to care for the child. The child was placed in the court's temporary custody and the grandmother's guardianship was dissolved.

At the termination trial, evidence was presented that, although respondent-appellant could have been released from prison as early as July 2000, because of her misbehavior while imprisoned, her earliest release date as of the termination trial was June 6, 2007. During her incarceration, respondent-appellant had been charged with assault on an employee and breaking or escaping from jail. While the instant case was pending, respondent-appellant spent more than two months in segregation for assault and battery. Less than two weeks after her release from segregation, she was charged with sexual misconduct.

Respondent-appellant testified at trial that her sister, Cheyenne Zandarski, was interested in becoming Ke'arra's guardian while respondent-appellant completed her prison sentence. However, the caseworker in the instant case testified that Cheyenne had never indicated such an interest and that Cheyenne's interaction with Ke'arra was minimal. There was also evidence that petitioner recommended against placement of Ke'arra with Cheyenne while the case was pending after a home study showed that Cheyenne was living with a boyfriend with a misdemeanor assault conviction. Respondent-appellant did not propose any individual other than Cheyenne to care for Ke'arra during her imprisonment. Ke'arra, who did not recognize respondent-appellant, had told her caseworker that she wanted respondent-appellant's parental rights terminated so that she could be adopted by a family.

Based on the foregoing evidence, the trial court did not clearly err in finding that the statutory ground for termination had been established by clear and convincing evidence. MCR 3.977(G)(3), and (J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). 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). Thus, the trial court did not err in terminating respondent-appellant's parental rights to the child.

Affirmed.

/s/ Kirsten Frank Kelly

/s/ David H. Sawyer

/s/ Kurtis T. Wilder