

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANGEL MILES-COOPER,
TIONNE MILES, and NA'IA MILES, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

PHILIPPA MILES,

Respondent-Appellant,

and

LARRY SULLIVAN and ROOSEVELT
POLLARD,

Respondents.

UNPUBLISHED
February 12, 2008

No. 281056
Berrien Circuit Court
Family Division
LC No. 2006-000080-NA

Before: Talbot, P.J., and Cavanagh and Zahra, JJ.

MEMORANDUM.

Respondent Miles appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(g), (h), (j), and (l). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Respondent physically abused her minor nephew and failed to protect her own children from physical and sexual abuse. She was serving a prison sentence for two counts of second-degree child abuse and had three years left to serve on her sentence. Because of her incarceration, she was unable to participate in services designed to rectify her poor parenting skills. Even after her release from prison, it would be necessary for respondent to participate in services for nine months to a year before reunification could be considered. Also, respondent's parental rights to another child were previously terminated after the child became a court ward.

Respondent's reliance on *Fritts v Krugh*, 354 Mich. 97, 114; 92 NW2d 604 (1958), overruled on other grounds by *In re Hatcher*, 443 Mich. 426, 444; 505 NW2d 834 (1993), for the

proposition that petitioner was required to prove, and the trial court was required to find, that she would neglect her child for the long-term future is misplaced. *Fritts* predates the enactment of § 19b(3), which sets forth the criteria for termination. Further, petitioner was not required to afford respondent an opportunity for rehabilitation before seeking termination under § 19b(3)(l). That subsection does not impose such a requirement and a court cannot “judicially legislate by adding into a statute provisions that the Legislature did not include.” *In re Wayne Co Prosecutor*, 232 Mich App 482, 486; 591 NW2d 359 (1998).

Finally, the evidence did not clearly show that termination of respondent’s parental rights was not in the children’s best interests. *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000); MCL 712A.19b(5). Thus, the trial court did not err in terminating respondent’s parental rights to the children. *Id.* at 356-357.

Affirmed.

/s/ Michael J. Talbot
/s/ Mark J. Cavanagh
/s/ Brian K. Zahra