

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of OMARA INMAN JONES, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

VELMA J. BRYANT-WEATHERLY,

Respondent-Appellant,

and

MACK WEATHERLY and EDDIE JONES,

Respondents.

UNPUBLISHED

April 14, 1998

No. 204325

Kalamazoo Juvenile Court

LC No. 92-000006

Before: Michael J. Kelly, P.J., and Fitzgerald and M.G. Harrison*, JJ.

MEMORANDUM.

Respondent Velma Bryant-Weatherly appeals as of right from the juvenile court order terminating her parental rights to the minor child under MCL 712A.19b(3)(g) and (h); MSA 27.3178(598.19b)(3)(g) and (h). We affirm.

Petitioner presented clear and convincing evidence that respondent had never provided proper care and custody for the minor child as she had been incarcerated since before the child was born and, given that respondent would not be released from prison for at least another twenty-one months, there was no reasonable expectation that she would be able to provide proper care and custody within a reasonable time given the child's age. *In re Systma*, 197 Mich App 453, 457; 495 NW2d 804 (1992); *In re Perry*, 193 Mich App 648, 651; 484 NW2d 768 (1992). We find that the juvenile court

* Circuit judge, sitting on the Court of Appeals by assignment.

properly concluded that termination was warranted under subsection (3)(g) and thus any error with regard to respondent's term of incarceration for determining termination under subsection (3)(h) was harmless. *Perry, supra*, pp 650-651. We further find that the juvenile court properly considered the child's best interests in deciding to terminate respondent's parental rights rather than continue temporary wardship and place the child with the maternal grandmother. There was evidence that the child needed a permanent living arrangement and that the grandmother, who had no established relationship with the child, had done nothing to plan for the child's care. *In re McIntyre*, 192 Mich App 47, 52-53; 480 NW2d 293 (1991). Thus the juvenile court's decision to terminate respondent's parental rights was not clearly erroneous. *In re Hall-Smith*, 222 Mich App 470, 472; 564 NW2d 156 (1997).

Affirmed.

/s/ Michael J. Kelly

/s/ E. Thomas Fitzgerald

/s/ Michael G. Harrison*