

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of CHRISTINA MORRISON, DUANE  
MORRISON and BRITTANY MORRISON,  
Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

EDWARD L. MORRISON,

Respondent-Appellant.

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UNPUBLISHED

November 30, 1999

No. 218691

Isabella Circuit Court

Family Division

LC No. 97-000099 NA

Before: Jansen, P.J., and Hoekstra and J. R. Cooper\*, JJ.

MEMORANDUM.

Respondent appeals as of right from a family court order terminating his parental rights to the minor children under MCL 712A.19b(3)(g) and (h); MSA 27.3178(598.19b)(3)(g) and (h). We affirm.

The family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The court properly found that termination was warranted under §§ 19b(3)(g) and (h), given both the length of respondent's incarceration and respondent's lack of progress with his treatment plan before being incarcerated.

The court also did not err in its evaluation of the children's best interests. The court's reference to the national model statute for termination of parental rights in conjunction with its findings on the children's best interests does not reflect any improper considerations. In any event, the burden was on respondent to come forward with evidence that termination of his parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222

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

Mich App 470, 472-473; 564 NW2d 156 (1997). Because respondent failed to come forward with evidence on this issue, the court had no discretion and was required to terminate his parental rights. *Id.* at 472-473.

Affirmed.

/s/ Kathleen Jansen

/s/ Joel P. Hoekstra

/s/ Jessica R. Cooper