

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of LATRESE ANN STRONG, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KEVIN STRONG,

Respondent-Appellant.

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UNPUBLISHED  
February 23, 2001

No. 225149  
Wayne Circuit Court  
Family Division  
LC No. 91-294,915

Before: White, P.J., and Wilder and Zahra, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the family court's order terminating his parental rights to Latrese Ann Strong under MCL 712A.19b(3)(g), (i), and (l); MSA 27.3178(598.19b)(3)(g), (i), and (l). We affirm.

To terminate parental rights, the court must find that at least one of the statutory grounds for termination has been met by clear and convincing evidence. *In re Trejo Minors*, 462 Mich 341, 355; 612 NW2d 407 (2000). Once a statutory ground for termination has been established, termination of parental rights is mandatory unless the court finds that termination clearly is not in the child's best interests. *Id.* at 356-357, MCL 712A.19b(5); MSA 27.3178(598.19b)(5). This Court reviews for clear error both the lower court's decision that a ground for termination has been proven by clear and convincing evidence and, where appropriate, the court's decision regarding the child's best interest. *Trejo, supra* at 356-357.

The FIA filed a permanent custody petition regarding Latrese on January 15, 1999, when she was about six weeks old. The petition alleged that neither Latrese's mother, Felicia Hobson, nor respondent had completed the court treatment plan to regain custody of their other child,<sup>1</sup> that Ms. Hobson had no prenatal care while pregnant with Latrese, that Latrese was born premature,

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<sup>1</sup> Respondent's and Ms. Hobson's parental rights over another child, Calvin N. Strong (dob 11/2/95), had been terminated by order entered October 15, 1997.

weighing under three pounds, that Ms. Hobson and Latrese tested positive for cocaine at Latrese's birth, and that Ms. Hobson had not maintained a drug-free lifestyle since her other children had been brought into care.

At the July 22, 1999 permanent custody trial, the court found that jurisdiction over Latrese was proper due to termination of respondent's and Ms. Hobson's parental rights to another child, Calvin N. Strong (dob 11/2/95). Ms. Hobson's parental rights to Latrese were terminated at the trial, in part because of her history of cocaine use, and she did not appeal. Respondent father's parental rights were not terminated at that time. The court found that a prima facie case had been made for termination of his rights under MCL 712A.19b(3)(i); MSA 27.3178(598.19b)(3), but decided to give respondent more time, noting that respondent had not had opportunity to parent Latrese, was not a party to Ms. Hobson's lack of prenatal care, had a job, had served in the military, and had submitted to some drug screens. The court ordered that respondent be evaluated by the Clinic for Child Study, that respondent present a plan for the child, and allowed respondent supervised visitation.

At the continuation hearing in December 1999, the case worker testified that respondent had been convicted of a federal mail theft crime and had been sentenced in October 1999 to fifteen months at a halfway house, beginning January 3, 2000. She testified that there are no daycare facilities and no provisions for child care at the halfway house. She testified that respondent had not participated in individual therapy or submitted to a substance abuse assessment, as required by the parent/agency treatment plan. She testified that respondent had completed parenting classes and attended ten of sixteen visits with Latrese, but also testified that she did not see appropriate parenting interaction with Latrese during those visits. The case worker testified that Latrese has special medical needs, had been diagnosed with upper and lower spasticity and that the doctors had expressed concern that she may have cerebral palsy, but had not been able to diagnose it because of her young age. The case worker recommended that respondent's parental rights be terminated.

The family court terminated respondent's parental rights, after finding that there was clear and convincing evidence that respondent's parental rights to another child had been terminated, that two or more siblings of Latrese's had been terminated due to serious and chronic neglect,<sup>2</sup> that prior attempts to rehabilitate the parents had been unsuccessful, and that respondent had failed to provide proper care and custody for Latrese. The court noted respondent's circumstance of having been convicted of mail fraud and sentenced to fifteen months, that Latrese had special medical needs that required careful monitoring, and that she was almost a year old and needed to bond and be cared for, and concluded that it was in Latrese's best interest to terminate respondent's parental rights.

The court did not err in finding that statutory grounds for termination were established by clear and convincing evidence. Respondent neither addresses nor disputes the court's findings under subsections (i) and (l). Regarding factor (g), given respondent's failure to meet the

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<sup>2</sup> Ms. Hobson's other six children, none of whom had been fathered by respondent, had become permanent court wards in 1996 as a result of Ms. Hobson's neglect.

requirements of the parent/agency agreement, Latrese's special medical needs, and respondent's conviction of a federal crime and sentence, the court did not err in concluding that respondent failed to provide proper care and custody for Latrese and that he would not be able to do so within a reasonable time. Nor did the court err in concluding that termination served her best interests. *In re Trejo, supra*.

Affirmed.

/s/ Helene N. White

/s/ Kurtis T. Wilder

/s/ Brian K. Zahra