

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ZARCORIA WELLS, Minor .

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RONALD WELLS,

Respondent-Appellant,

and

NARRE WALKER,

Respondent.

UNPUBLISHED
February 12, 2002

No. 234819
Washtenaw Circuit Court
Family Division
LC No. 99-024821-NA

Before: Fitzgerald, P.J., and Hood and Sawyer, JJ.

MEMORANDUM.

Respondent-appellant Ronald Wells (respondent) appeals as of right the order terminating his parental rights to the minor child pursuant to MCL 712.19b(3)(g) and (h). We affirm.

The focus of the first prong of subsection (3)(h) is “whether the imprisonment will deprive the child of a normal home for two years in the future, and not whether past incarceration has already deprived the child of a normal home.” *In re Perry*, 193 Mich App 648, 650; 484 NW2d 768 (1992), quoting *In re Neal*, 193 Mich App 5222, 527; 414 NW2d 916 (1987). Thus, it is questionable whether the trial court properly applied the first prong of subsection 3(h) because, at the time of the termination hearing in February 2001, respondent was eligible for parole in April 2002. However, a trial court need only find one statutory ground for termination in order to terminate parental rights. MCL 712A.19b(3). Here, clear and convincing evidence was presented that respondent failed to provide proper care and custody and that there was no

reasonable likelihood that he would be able to do so within a reasonable time. MCL 712.19b(3)(g); *In re Perry*, 193 Mich App 648, 650; 484 NW2d 768 (1992).¹

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Harold Hood

/s/ David H. Sawyer

¹ Citing *In re Newman*,, 189 Mich App 61; 472 NW2d 38 (1991), respondent argues that the trial court erred by terminating his parental rights without first giving him FIA assistance to enable him to demonstrate that he would be able to provide proper care and custody. *Newman* is factually distinguishable. *Newman* involved a parent who was ordered to comply with a parent-agency agreement to address the conditions that led to the children being removed from the home. *Here*, petitioner did not prepare a parent-agency agreement for respondent because his imprisonment would not allow him to cooperate with such a plan. Unlike *Newman*, this case does not involve a mentally deficient parent who needs assistance in learning how to properly parent children. This case involves a parent who chose to engage in a criminal lifestyle, who chose to leave his child in an unsuitable environment, who chose not to be a significant part of the child's life, and who will be imprisoned for a significant amount of time.