

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANDREW DEVON HEWLETT,
RAPHAEL SHAREEF HEWLETT, JADA
SHARRELLE HEWLETT, and CURTIS EZELL
HEWLETT, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DARLENE ANDREA HEWLETT,

Respondent-Appellant,

and

RAPHAEL WILLIS a/k/a ORLANDO R.
WILLIS, FREDERICK PATTON, RONALD
GRIFFIN, and JEROME HEWLETT,

Respondents.

In the Matter of ANDREW DEVON HEWLETT,
RAPHAEL SHAREEF HEWLETT, JADA
SHANELLE HEWLETT, and CURTIS EZELL
HEWLETT, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RAPHAEL WILLIS, a/k/a ORLANDO R.
WILLIS,

Respondent-Appellant,

UNPUBLISHED
January 6, 2004

No. 246688
Wayne Circuit Court
Family Division
LC No. 95-325605

No. 246762
Wayne Circuit Court
Family Division
LC No. 95-325605

and

DARLENE ANDREA HEWLETT, FREDERICK
PATTON, RONALD GRIFFIN, and JEROME
HEWLETT,

Respondents.

Before: Donofrio, P.J., and Griffin and Jansen, JJ.

MEMORANDUM.

In these consolidated appeals, respondents-appellants Darlene Hewlett and Raphael Willis appeal from the order of the trial court terminating their parental rights to their minor children pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm.

Respondent-appellant Hewlett contends that the trial court erred in finding that clear and convincing evidence supported termination of her parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). Contrary to respondent-appellant's contentions, ample evidence existed on the record to support the trial court's decision. At the time of adjudication, respondent-appellant appeared to be mentally ill and her mental illness was affecting her ability to properly care for the children. Her behavior had become so bizarre that she was placing the children in potentially hazardous situations, such as traveling to New York with the children without funds and without a means to return home. These conditions existed for almost two years while respondent took no steps to address her mental health issues or to otherwise comply with the directives of the trial court. The trial court therefore did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Respondent-appellant Willis similarly contends that the trial court erred in finding clear and convincing evidence to terminate his parental rights to Raphael pursuant to MCL 712A.19b(3)(a)(ii), (g), and (j). Contrary to these contentions, sufficient evidence existed on the record to support termination of respondent-appellant Willis' parental rights as well. Respondent-appellant Willis was incarcerated at the time of termination with his earliest possible release date being 2010. He testified that he could not care for the child and that he had not provided for the child even before his incarceration. The trial court therefore did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Miller, supra*.

Respondents-appellants Hewlett and Willis also contend that the trial court erred in determining that termination was not contrary to the best interests of the children. We disagree. While in respondent-appellant Hewlett's care, the children were withdrawn from school, were living out of crates and boxes in their home, and were repeatedly subjected to the mentally unsound decisions of their mother. Respondent-appellant Willis' incarceration prevented him from caring for his child and he acknowledged that he had not provided for the child even before he was incarcerated. Therefore, termination of respondents-appellants' parental rights was not

contrary to the best interests of the children. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Pat M. Donofrio
/s/ Richard Allen Griffin
/s/ Kathleen Jansen