

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AISHA LATOSHA PEARL
FLETCHER, JAMISHA CHARON LEVETTE
FLETCHER, PRECIOUS JAMIE WADDELL-
FLETCHER, and ANGEL EVON WADDELL,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JAMES WADDELL,

Respondent-Appellant.

UNPUBLISHED

January 13, 2004

No. 246439

Wayne Circuit Court

Family Division

LC No. 94-318229

Before: Fitzgerald, P.J., and Neff and White, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g) and (h). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not clearly err in finding clear and convincing evidence was presented that established the statutory grounds for termination. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The children were dependent because of respondent's incarceration since 1995, the mother's death in 1999, and the unavailability of any relatives or family friends to take care of the children. Although there was conflicting evidence regarding respondent's early release date, it appeared he would remain incarcerated until at least August 1995. Even if he were released in March 2004 due to credit for good time, respondent would still require time to comply with post-commitment orders such as securing stable housing and income, and visiting the children on a weekly basis. Therefore, the trial court did not clearly err in finding that the condition of the children's dependency continued to exist with no reasonable expectation it would be rectified within a reasonable time considering the children's ages. It also did not err in finding that respondent's current and projected incarceration rendered him unable to properly care for his children.

Further, the trial court did not clearly err in finding termination was not contrary to the children's best interests. The Michigan Supreme Court reviewed evidence relating to the

children's best interests in *Trejo, supra*, and stated the trial court "did not clearly err by refusing to further delay permanency for the children, given the uncertain potential for success, and extended duration of respondent's reunification plan." *Id.* at 364. Similarly, the trial court in this case sought permanency for the children, and found it unreasonable to ask the children to wait based on an uncertain date for respondent to be released from prison. Despite respondent's efforts and good intentions, the children need stable home environments that are best provided by foster care.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Janet T. Neff

/s/ Helene N. White