

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ASHLEY BILLIE NICOLE
HUNT and DOMINIQUE DENETTE HUNT,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANTHONY HUNT,

Respondent-Appellant.

UNPUBLISHED
November 18, 2004

No. 253889
Wayne Circuit Court
Family Division
LC No. 90-289524

Before: Murray, P.J., and Sawyer and Smolenski, JJ.

MEMORANDUM.

Respondent appeals as of right from the order of the trial court terminating his parental rights to his minor children pursuant to MCL 712A.19b(3)(c)(i), (g), (h), and (i). We affirm.

Petitioner concedes that there was no evidence presented to support termination pursuant to section (3)(i), and we agree. However, there was ample evidence to support termination under the other sections, and the trial court did not err in finding these statutory grounds established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The children were placed in foster care after respondent was incarcerated for violently assaulting his wife in the presence of the children. Respondent concedes that he will not have completed even the minimum of his lengthy prison term until long after the children have reached majority. Respondent argues that he did provide a plan for the children's care. However, respondent's plan was that his brother would care for them and, although the children lived with their uncle for a period, he returned the children to foster care.

Furthermore, the trial court did not err in determining that termination 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). Respondent was continually incarcerated during the periods in which the children were in foster care. Respondent will not be released from prison until long after the children are adults and has presented no viable plan for the care of the children. In addition, the children have requested that his parental rights to them be terminated.

Affirmed.

/s/ Christopher M. Murray

/s/ David H. Sawyer

/s/ Michael R. Smolenski