

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANTHONY MARQUESE BUSH,
JR., Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ANTHONY BUSH,

Respondent-Appellant,

and

VELEIR J. LEWIS,

Respondent.

UNPUBLISHED

December 19, 2006

No. 270234

Wayne Circuit Court

Family Division

LC No. 04-436517-NA

Before: Meter, P.J., and O'Connell and Davis, JJ.

MEMORANDUM.

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

The trial court did not clearly err in finding clear and convincing evidence to support the statutory grounds for termination. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 1205 (1999); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005). The minor child tested positive for cocaine at his birth and, at the age of two months, was left with respondent-appellant's grandmother, who could not handle the child's care, while respondent-appellant was on a crack binge. Seventeen months after the child was placed in foster care, the conditions that led to the adjudication continued to exist. Respondent-appellant had never provided proper care and custody for his child and there was no reasonable likelihood that he would be able to do so within a reasonable time considering the child's age. Based on respondent-appellant's history of drug abuse, his noncompliance with his treatment plan during this case, and his physical condition, there was a reasonable likelihood that the child would be harmed if placed in respondent-appellant's care. It was unfortunate that respondent-appellant was shot in his leg during the pendency of this case. However, the trial court was not required to give him further additional time because he was injured. As the Court stated in *In re Terry*, 240

Mich App 14, 28; 610 NW2d 563 (2002), “If a parent cannot or will not meet [his or] her irreducible minimum parental responsibilities, the needs of the child must prevail over the needs of the parent.” The trial court did not err in finding that the statutory grounds had been established.

There was also no evidence in the record to show that termination was clearly not in the child’s best interest. The trial court did not clearly err in finding that termination was in the best interests of the child. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354-355; 612 NW2d 407 (2000).

Affirmed.

/s/ Patrick M. Meter
/s/ Peter D. O’Connell
/s/ Alton T. Davis