

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of MICHELLE PAULETTE  
TENNANT, LAYLA TATYANA MARI  
BRADLEY, ROBERT T. EASLEY, and JOSHUA  
J.T. EASLEY, Minors.

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DEPARTMENT OF HUMAN SERVICES,  
  
Petitioner-Appellee,

v

ROBERT EASLEY,  
  
Respondent-Appellant,

and

MONIQUE MARKEITHA CRAWLEY, TYRONE  
TENNANT, and DWAYNE T. BRADLEY

Respondents.

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UNPUBLISHED  
December 16, 2008

No. 285312  
Wayne Circuit Court  
Family Division  
LC No. 06-455107-NA

Before: Cavanagh, P.J., and Jansen and Meter, JJ.

MEMORANDUM.

Respondent Robert Easley appeals by right the family court's order terminating his parental rights to his minor children, twins Robert and Joshua, under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal has been decided without oral argument. MCR 7.214(E).

The family court did not clearly err by finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005). When the children were removed from the mother's home, respondent was incarcerated and unable to provide proper care or custody for the children. At the time of termination, respondent had been released from prison for over a year. During that time, he did not participate in any programs required by the parent-agency agreement. He had no job or suitable housing. Accordingly, the conditions that existed when the children came into custody continued to exist, and based on respondent's conduct, there was no reasonable likelihood that they would be rectified within a reasonable time. In addition, his failure to comply with the parent-agency

agreement demonstrated that he would not be able to provide proper care or custody for his children. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003). Moreover, respondent demonstrated by his failure to take any steps toward compliance with the parent-agency agreement that his children would be at risk of harm if returned his care.

Nor did the family court clearly err in its best interests determination. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Based on respondent's failure to comply with any of the requirements of the parent-agency agreement, he had not gained the right to visit with his children. He had not been with his children since his incarceration—a period of over three years. There was clearly no bond between respondent and his children. These children had special needs. Respondent had made no attempt to educate himself about their special needs or to put himself in a position from which he could provide proper care or custody for them. The children needed permanency and a stable home. The family court did not clearly err by finding that termination of respondent's parental rights was in the best interests of the children.<sup>1</sup>

Affirmed.

/s/ Mark J. Cavanagh

/s/ Kathleen Jansen

/s/ Patrick M. Meter

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<sup>1</sup> MCL 712A.19b(5) now provides that “[i]f the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child’s best interests, the court shall order termination of parental rights . . . .” The family court in this case affirmatively found that termination would be in the children’s best interests.