

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LATOYA ROSS and MARILYN
MICHELLE JONES, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

UNPUBLISHED
May 18, 2001

v

CORDELIA JONES,

Respondent-Appellant,

No. 229066
Muskegon Circuit Court
Family Division
LC No. 99-027171-NA

and

ELDRED BROOKS and MICHAEL JONES,

Respondents.

Before: McDonald, P.J., and Smolenski and K. F. Kelly, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the family court order terminating her parental rights to the minor children under MCL 712A.19b(3)(g) and (j); MSA 27.3178(598.19b)(3)(g) and (j). We affirm.

Appellant is currently incarcerated for a criminal sexual conduct offense involving a young family member. When she went to jail, appellant left the children in the care of their elderly grandmother, who died shortly after the FIA took the children into custody. At the time of trial, appellant had been incarcerated for more than three years and expected to remain incarcerated for at least two more years. Appellant's long-term incarceration supported a finding that she had failed to provide proper care and custody for the children and also negated any reasonable expectation that appellant would be able to provide such care within a reasonable time, considering the children's ages. Further, the nature of appellant's criminal record supported a finding that the children would be harmed if returned to her care. Therefore, we conclude that the family court did not clearly err in finding that the statutory grounds for

termination were established by clear and convincing evidence. MCR 5.974(I); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Finally, the trial court did not clearly err in finding that the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors, supra* at 344. Accordingly, the trial court was required to terminate respondent's parental rights. *Id.*

Affirmed.

/s/ Gary R. McDonald
/s/ Michael R. Smolenski
/s/ Kirsten Frank Kelly