

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALEXA HALEY and DAREN
HALEY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TAMARA HALEY and JAMES MARTIN,

Respondents-Appellants,

and

JOHN DOE,

Respondent.

UNPUBLISHED

June 26, 2003

No. 245711

Berrien Circuit Court

Family Division

LC No. 2001-000012-NA

Before: Sawyer, P.J., and Meter and Schuette, JJ.

MEMORANDUM.

Respondents Haley and Martin appeal as of right from a circuit court order terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(a)(i), (c)(i), (g) and (j). We affirm.

The trial court did not clearly err in finding that at least one statutory ground for termination of Martin's parental rights to Daren had been proved by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Respondent was incarcerated when the child was born, could not visit with the child after release due to a condition of parole, and then returned to prison for another offense and would not be released for at least eighteen months. Further, the trial court's finding regarding the child's best interests was not clearly erroneous. *In re Trejo Minors*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5). Therefore, the trial court did not clearly err in terminating respondent's parental rights. *Trejo, supra* at 356-357.

The trial court did not clearly err in finding that at least one statutory ground for termination of Haley's parental rights to both children had been proved by clear and convincing

evidence. *IEM, supra*. Although respondent complied with some aspects of the treatment plan, she continued to neglect the children by visiting only occasionally and demonstrating disregard for her son's grave illness. Thus, she never developed a strong bond with her son and her ability to provide safe and effective parenting on a sustained basis could never be determined. Petitioner was not required to prove that respondent would neglect the children for the long-term future as held in *Fritts v Krugh*, 354 Mich 97, 114; 92 NW2d 604 (1958), overruled on other grounds *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993). That case predates the enactment of section 19b(3) which sets forth the criteria for termination. Further, the trial court's finding regarding the child's best interests was not clearly erroneous. Therefore, the trial court did not clearly err in terminating respondent's parental rights. *Trejo, supra* at 356-357.

Affirmed.

/s/ David H. Sawyer
/s/ Patrick M. Meter
/s/ Bill Schuette