

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of LEAHNNA ALBERTA  
SUMMER SEVIGNY and DANIELLE KYLEE  
SATORI, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KURT ALLEN WELLHAUSEN,

Respondent-Appellant,

and

KIMBERLY SEVIGNY and DANIEL SATORI,  
a/k/a DANIEL HERNANDEZ,

Respondents.

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UNPUBLISHED

August 25, 2005

No. 259767

Oakland Circuit Court

Family Division

LC No. 03-685236-NA

Before: Zahra, P.J., and Gage and Murray, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor child Leahnna under MCL 712A.19b(3)(c)(i), (h) and (j). We affirm. This appeal is being decided without oral argument under MCR 7.214(E).

The trial court did not clearly err in determining that the statutory grounds for termination of parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The condition leading to adjudication that related to respondent-appellant was his inability to provide a proper home for Leahnna. During the course of this child protective proceeding respondent-appellant was sentenced to prison for a minimum of nine and a maximum of forty years. Leahnna's mother was unable to provide proper care or custody, and no suitable relatives were found, so Leahnna would be deprived of a normal home for more than two years due in part to respondent-appellant's incarceration. The evidence also showed that, during the time he was able to participate in services before his incarceration, respondent-appellant did not obtain the substance abuse assessment and psychological evaluation necessary to tailor a parent agency agreement to his needs, failed to

attend parenting classes designed to improve his ability to parent Leahna, and failed to attend counseling to address his propensity toward criminal activity and violence. His noncompliance and subsequent incarceration established that there was no reasonable likelihood that respondent-appellant would be able to properly care for Leahna within a reasonable time.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). There was no parent-child bond between respondent-appellant and Leahna, due in part to respondent-appellant's prior incarceration during her young life. Contact with respondent-appellant was emotionally detrimental to Leahna, and she cried and wet her pants before visits. Additionally, it was against Leahna's best interests to wait nine years to be parented by respondent-appellant, particularly in light of respondent-appellant's apparent unwillingness to invest in the services necessary to become an appropriate parent.

Affirmed.

/s/ Brian K. Zahra  
/s/ Hilda R. Gage  
/s/ Christopher M. Murray