

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MALACHI MARIO ROMA
LOVE BROWN, MARJORIE ARIANA BROWN,
JOMARR LA'BRAUN BROWN, ABSOLOM
SIR-MONTAE BROWN, O'DELL ANTJUAN
MOON RAMIRO LOPEZ, and DEVAUN
LEROY LOPEZ, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

THEODORE WILLIAM BROWN,

Respondent-Appellant,

and

CANDIDA LYNN LOPEZ,

Respondent.

UNPUBLISHED
November 14, 2006

No. 270422
Saginaw Circuit Court
Family Division
LC No. 92-021866-NA

Before: Fort Hood, P.J., and Murray and Donofrio, JJ.

MEMORANDUM.

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

The trial court did not clearly err in finding that sections (c)(i) and (g) were established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 357; 612 NW2d 407 (2000). The conditions leading to adjudication were drug use by the children's mother and her resulting inability to care for the children, and respondent-appellant's incarceration and his resulting inability to provide proper care and custody for the children. There is no question that the conditions leading to adjudication continued to exist at the time of trial.

Respondent-appellant argues that the condition of his incarceration would be rectified within a reasonable time considering the children's ages, and he would then be able to provide proper care and custody for his children. Assuming respondent-appellant was released on his

earliest release date, the children would wait another year and approximately eight months at a minimum. There is no definition of what a reasonable time is for children at different ages. However, considering the amount of time the children had already been in foster care and the unlikelihood that respondent-appellant would be released at his earliest possible release date, the trial court did not clearly err in finding that the amount of time was not reasonable for the children to wait for permanency, considering their ages. Therefore, the trial court did not clearly err in finding that at least sections (c)(i) and (g) were established by clear and convincing evidence. Any error in finding that section (h) was also proven is harmless where other statutory grounds have clearly been established. MCL 71A.19b(3).

We also hold that the trial court did not clearly err in its best interests determination. MCL 712A.19b(5). The children had been in foster care for a year and a half and could not hope to be reunited with respondent-appellant for at least another year and eight months. Given the length of separation and the children's need for stability, the trial court did not clearly err in finding that the children's best interests did not preclude termination of respondent-appellant's parental rights.

Affirmed.

/s/ Karen M. Fort Hood
/s/ Christopher M. Murray
/s/ Pat M. Donofrio