

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRANDY NEWMAN and
DONALD NEWMAN, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RANDALL NEWMAN II,

Respondent-Appellant,

and

AMANDA LYNN NEWMAN,

Respondent.

UNPUBLISHED

March 10, 2005

No. 256957

Genesee Circuit Court

Family Division

LC No. 02-115309-NA

Before: Murray, P.J., and Markey and O'Connell, JJ.

MEMORANDUM.

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

Respondent argues that termination was premature because the agency failed to provide him with services after his release from prison to assist him in reunification with his children. Respondent contends that he was denied the opportunity to demonstrate that he would be able to rectify the conditions that led to adjudication and provide proper care and custody within a reasonable time considering the children's ages. We disagree that termination was premature. There was sufficient evidence for the trial court to conclude that statutory grounds for termination existed.

For several months before his incarceration, respondent was provided multiple services in an effort toward reunification. Respondent failed to participate and/or complete any of the services provided in the Parent/Agency Agreement. Then, when respondent was incarcerated, petitioner made reasonable efforts, albeit unsuccessful, to provide him with some services.

Additionally, the Department of Corrections provided some assistance to respondent. However, he failed to cooperate. While incarcerated, respondent refused to take the recommended medication prescribed for his mental health issues, he squandered employment opportunities while in the halfway house, and he became involved in a violent altercation with his probation officer that necessitated a transfer back to a facility of greater security. At the time of termination, there was no basis to conclude that respondent would be in a position to properly parent his children or rectify the conditions that caused the children to come into care within a reasonable time considering the children's ages. Based upon this record, it cannot be said that the trial court clearly erred in finding that statutory grounds for termination had been established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

Affirmed.

/s/ Christopher M. Murray

/s/ Jane E. Markey

/s/ Peter D. O'Connell