

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.A. and A.A., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MD ANAM ULLAH,

Respondent-Appellant.

UNPUBLISHED

April 15, 2004

No. 248731

Wayne Circuit Court

Family Division

LC No. 02-411116

Before: Cavanagh, P.J., and Murphy and Smolenski, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(g), (h), (j) and (n)(i). We affirm.

The trial court did not clearly err in finding that at least one statutory ground for termination had been proved by clear and convincing evidence. See *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Respondent murdered the children's mother and was serving a minimum prison sentence of fifteen years. Further, the trial court's finding regarding the children's best interests was not clearly erroneous. See MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000).

We find no merit to respondent's claim that termination was contrary to the children's best interests because he offered his parents as temporary custodians. Nothing in the law directs the court to refrain from ordering termination when the child could alternatively be placed with relatives, *In re Futch*, 144 Mich App 163, 170; 375 NW2d 375 (1984), and thus if it is within the best interests of the child to do so, the court may terminate parental rights instead of placing the child with relatives. *In re IEM, supra* at 453. Respondent presented no evidence to show that his parents were able to assume custody of the children. Moreover, the trial court's refusal to delay permanency and stability for the children during the whole of their minority was not

improper where, as here, respondent's crime rendered him unfit to regain custody. *In re Mudge*, 116 Mich App 159, 162-163; 321 NW2d 878 (1982). Therefore, the trial court did not clearly err in terminating respondent's parental rights. *In re Trejo, supra* at 356-357.

Affirmed.

/s/ Mark J. Cavanagh
/s/ William B. Murphy
/s/ Michael R. Smolenski