

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LATARA PATRICE BROWN,
KATRINA AURORA BROWN, MIKAYLA
ANGEL MOORE, and SHAYLA MENYON
SALLAD, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

UNPUBLISHED
February 15, 2005

v

RONALD COLEMAN,

Respondent-Appellant,

No. 257344
Wayne Circuit Court
Family Division
LC No. 02-412296-NA

and

SELECIA SALLAD, FREDRICK MOORE, and
LASHAUN BROWN,

Respondents.

Before: Talbot, P.J., Whitbeck, C.J., and Jansen, J.

PER CURIAM.

Respondent-appellant Ronald Coleman (hereinafter “respondent”) appeals as of right from a circuit court order terminating his parental rights to the minor child, Shayla Menyon Sallad, pursuant to MCL 712A.19b(3)(c)(i), (g), (h) and (j).¹ We affirm.

Respondent contends that the trial court erred by finding that the statutory grounds for termination were proven by clear and convincing evidence. We disagree.

¹ The circuit court also terminated the parental rights of the child’s mother, respondent Selecia Sallad, but she has not appealed that decision and is not a party to this appeal.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination under MCL 712A.19b(3) has been proven by clear and convincing evidence. *In re CR*, 250 Mich App 185, 194-195; 646 NW2d 506 (2002); *In re Pardee*, 190 Mich App 243, 250; 475 NW2d 870 (1991). This Court reviews for clear error a trial court's decision that clear and convincing evidence supported a statutory ground for termination. MCR 3.977(J); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). A trial court's factual findings are clearly erroneous if, although some evidence exists to support the findings, a reviewing court is left with a definite and firm conviction that a mistake has been made. *In re Pardee, supra* at 250.

The trial court did not clearly err in finding that clear and convincing evidence was presented to support termination of respondent's parental rights under MCL 712A.19b(3)(c)(i). More than 182 days had elapsed since the issuance of the initial dispositional order, and the conditions that led to the adjudication remained unchanged and were not reasonably likely to be rectified within a reasonable time considering the child's age. Respondent had been incarcerated since the child's birth in 1992, and nothing indicated that he would be paroled anytime soon. In fact, respondent had been denied parole twice and had received another major misconduct ticket since his last parole denial. In addition, respondent admitted that even if he was paroled, he would not be able to provide care for his daughter within a reasonable time after his release.

For the same reasons, the trial court did not clearly err by terminating respondent's parental rights under MCL 712A.19b(3)(g) and (h). Respondent was unable to provide proper care and custody of his child because of his incarceration, and there was no indication that he would be able to do so within a reasonable time considering the child's age. In addition, he did not otherwise provide for his daughter's proper care and custody while he was incarcerated, and he was imprisoned for such a time that his daughter would be deprived of a normal home for a period exceeding two years.

Further, the trial court did not clearly err by finding that petitioner presented clear and convincing evidence to satisfy the statutory ground for termination under MCL 712A.19b(3)(j). Assuming that respondent was released from prison and able to establish a home of his own, he admitted that he would not be able to care for his daughter within a reasonable time following his release. Given this admission and respondent's numerous major misconduct tickets, clear and convincing evidence was presented that a reasonable likelihood of harm existed if the child was returned to respondent's home.

Affirmed.

/s/ Michael J. Talbot
/s/ William C. Whitbeck
/s/ Kathleen Jansen