

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of BROOKLYN MONAE MOON,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

STARR NAKITA MOON,

Respondent-Appellant.

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UNPUBLISHED

August 9, 2007

No. 276349

Wayne Circuit Court

Family Division

LC No. 06-449543-NA

Before: Smolenski, P.J., and Fitzgerald and Kelly, JJ.

PER CURIAM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), (j), and (k)(i).<sup>1</sup> We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). If the court determines that a statutory ground for termination has been established, the court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). This Court reviews the trial court's decision for clear error. *Id.* at 356-357; *In re Sours*, *supra* at 633.

The referee and the trial court did not clearly err in finding that § 19b(3)(a)(ii) was proven by clear and convincing evidence. Regardless of the confusion regarding the correct street address for respondent, her ability to contact the caseworker by phone was undisputed. She was in contact with the caseworker in March 2006 when respondent cancelled a meeting,

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<sup>1</sup> A circuit court referee had determined that these statutory grounds were established, and following respondent's request for review, a circuit court judge affirmed.

and then she failed to contact her again until August 30, 2006. She did not attend the court proceedings during this period, specifically those on May 19 and August 16, 2006. Her failure to contact the worker or make any effort toward regaining custody supports the finding of desertion. See *In re TM (After Remand)*, 245 Mich App 181, 193-194; 628 NW2d 570 (2001). Her argument on appeal concerning the progress she was making in substance abuse treatment has no bearing on whether this statutory ground was established. The same analysis applies with respect to § 19b(3)(k)(i).

Respondent's failure to make any effort to address her substance abuse or any aspect of the parent agency agreement for several months after the child was removed from her care and her criminal activity that led to two arrests for solicitation support the findings with respect to §§ 19b(3)(c)(i) and (g). Although she began complying and appeared to be progressing well while receiving inpatient treatment, whether that progress would continue was uncertain. We are not persuaded that the court and the referee clearly erred in findings that these grounds were established.

With respect to § 19b(3)(j), respondent's choice to use drugs and engage in solicitation and her lack of effort to contact the caseworker and comply with the treatment plan indicated a lack of commitment to this child, which puts the child at risk for emotional, if not physical, harm.

With respect to whether termination of respondent's parental rights was clearly not in the child's best interests, respondent argues that the evidence established that termination was contrary to the child's best interests, and claims that "a child shares a special relationship with its natural parent." In the present case, respondent's relationship with the child was limited to the pregnancy, during which she received no prenatal care and used cocaine, and the period before she left the hospital. Respondent's progress while receiving inpatient treatment notwithstanding, there was no evidence that termination of her parental rights would be contrary to the child's best interests.

Affirmed.

/s/ Michael R. Smolenski  
/s/ E. Thomas Fitzgerald  
/s/ Kirsten Frank Kelly