

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of CURT D. JOHNSON, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

CURT DOUGLAS FOSTER,

Respondent-Appellant,

and

JERSEY BALLARD,

Respondent.

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UNPUBLISHED

March 26, 2009

No. 287328

Calhoun Circuit Court

Family Division

LC No. 2005-002534-NA

Before: Cavanagh, P.J., and Fort Hood and Davis, JJ.

MEMORANDUM.

Respondent Curt Douglas Foster appeals as of right from the trial court's order terminating his parental rights to the minor child under MCL 712A.19b(3)(a)(ii). We affirm.

The trial court did not clearly err in finding that § 19b(3)(a)(ii) was established by clear and convincing evidence. MCR 3.977(F)(1)(b) and (G)(3); *In re Miller*, 433 Mich 331, 344-345; 445 NW2d 161 (1989). Although respondent initially made a few telephone calls to the court, the foster care worker, and his attorney to inquire about the case, when the caseworker arranged for interstate compact services in Georgia, he refused to participate. Respondent did not communicate with the court, the caseworker, or his attorney from approximately October 2007 to July 2008, a period of more than nine months. Thus, there was clear and convincing evidence that respondent deserted the child for 91 or more days and did not seek custody of the child during that period. Additionally, the trial court properly determined that termination was in the child's best interests. MCL 712A.19b(5).

Affirmed.

/s/ Michael J. Cavanagh

/s/ Karen M. Fort Hood

/s/ Alton T. Davis