

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANGELO GRAHAM, LEANNA
LESHON GRAHAM, NIKKI NICOLE GRAHAM
and COLETTE FRANCES GRAHAM, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CYNTHIA DAGNEY GRAHAM,

Respondent-Appellant,

and

LEROY MILLER and DANNY ROBINSON,

Respondents.

UNPUBLISHED

April 6, 1999

No. 213223

Wayne Circuit Court

Family Division

LC No. 96-340079

Before: O'Connell, P.J. and Jansen and Collins, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from a family court order terminating her parental rights to her minor children pursuant to MCL 712A.19b(3)(c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(c)(i), (g) and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The decision on a motion for continuance is at the court's discretion, and is subject to review for an abuse of that discretion. *In re Jackson*, 199 Mich App 22, 28; 501 NW2d 182 (1993). An abuse of discretion occurs only where a court's action is so violative of fact and logic as to constitute perversity of will or defiance of judgment. *People v Laws*, 218 Mich App 447, 456; 554 NW2d 586 (1996). There was no abuse of discretion here. Respondent-appellant was clearly informed of the

termination hearing dates of March 20 and 28, 1998, and failed to appear for either. Respondent-appellant's attorney speculated that respondent-appellant might be unavailable for medical reasons as concerned the earlier date, and the only excuse offered for respondent-appellant's failure to appear at the second was some possible confusion which of two similar numbers was her correct street address. In neither case was there any indication that respondent-appellant herself provided the court or her attorney with a reason for her failure to appear. In light of the lack of clear indications that respondent-appellant had any good-faith intention to participate in either proceeding, the court was well justified in proceeding without her.

Next, the family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCL 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *In re Hall-Smith*, 222 Mich App 470; 564 NW2d 156 (1997). Further, respondent-appellant failed to show that termination of her parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith, supra* at 472-473. Thus, the family court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Peter D. O'Connell

/s/ Kathleen Jansen

/s/ Jeffrey G. Collins