

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MORISSA D. BROOKS, MARIEO
J. McCRACKIN, and MARCUS D. McCRACKIN,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CONNIE BROOKS,

Respondent-Appellant,

and

DAVID McCRACKIN and RICKY BROOKS,

Respondents.

Before: Griffin, P.J., and Zahra and S.L. Pavlich*, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from a family court order terminating her parental rights to the minor children under MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g). We affirm.

Respondent-appellant contends that she was denied her right to due process because both petitioner and the court failed to make reasonable efforts to ascertain her whereabouts during the dispositional phases of the termination proceedings. We disagree. Petitioner established that respondent-appellant had been advised that her children were in foster care, yet respondent-appellant contacted foster care workers only once in sixteen months and did not contact her children until one month before the termination hearing. Notice of the adjudicative proceedings were served on

* Circuit judge, sitting on the Court of Appeals by assignment.

respondent-appellant through publication pursuant to MCR 5.920(B)(4)(c), because her whereabouts were not known. She was present and represented by counsel at the termination hearing and was given the opportunity to testify. Under these circumstances, we do not find that respondent-appellant was denied her due process rights.

The family court also did not clearly err in finding that the statutory ground for termination was established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). 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*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the family court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Richard Allen Griffin

/s/ Brian K. Zahra

/s/ Scott L. Pavlich