

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KEVIN KEITH WRIGHT, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DINAH WRIGHT,

Respondent-Appellant.

UNPUBLISHED

December 16, 2004

No. 254684

Wayne Circuit Court

Family Division

LC No. 88-272049-NA

Before: Markey, P.J., and Fitzgerald and Owens, JJ.

MEMORANDUM.

Respondent appeals as of right the order terminating her parental rights to her minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

A petition to terminate respondent's parental rights to the minor child was filed shortly after the child's birth because drug screens taken for both respondent and the child on the day of the child's birth were positive for cocaine. Respondent had a significant history with protective services and previously had her parental rights to five other children terminated. All five of these children had also tested positive for cocaine at birth.

Respondent does not argue that the statutory grounds for termination were not established. Instead, she argues that termination of her parental rights was not in the best interests of the minor child pursuant to MCL 712A.19b(5). Respondent contends that she could not comply with the court's orders because her incarceration on two separate occasions caused financial difficulties that continued after her release from jail. Because of these financial difficulties, she could not submit to drug screens, was unaware that drug screens were to be done at FIA expense, and was unable to purchase the textbook required for parenting classes. Respondent claims that she could have complied with the parent agency agreement if she had been given three more months and further argues that factors such as prenatal care and the possibility of false positive drug screens establish it was not in the best interests of the minor child to terminate her parental rights.

The trial court did not clearly err in determining that termination was not contrary to the child's best interests. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although the trial court allowed for visitation with the minor child provided that respondent enter into a

treatment program for her substance abuse and comply with drug screens requested by the treatment program and the FIA, respondent did not comply with this requirement and visitation did not occur. Therefore, there was no relationship, nonetheless a bond, between respondent and the minor child and, given respondent's serious substance abuse issues and the termination of her parental rights to other children, termination of her parental rights to this child was not contrary to the child's best interests.

Respondent also argues that the trial court committed reversible error by admitting the testimony of the FIA worker regarding telephone conversations that she had with respondent in which respondent admitted to her cocaine use. Respondent's counsel did not object to this testimony, and respondent's evidentiary argument has not been preserved for our review. *In re Powers*, 208 Mich App 582, 587; 528 NW2d 799 (1995). Moreover, the worker presented sufficient evidence to show that the person on the telephone was respondent to satisfy MRE 901.

Affirmed.

/s/ Jane E. Markey
/s/ E. Thomas Fitzgerald
/s/ Donald S. Owens