

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KAMARIA ALEXIA WALKER
and KHALIL ISAAH MALIK BOYKIN, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHALE LYNN BOYKIN,

Respondent-Appellant.

UNPUBLISHED

December 27, 2007

No. 278136

Oakland Circuit Court

Family Division

LC No. 05-714136-NA

Before: Murray, P.J., and Hoekstra and Wilder, JJ.

MEMORANDUM.

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

Respondent argues that the trial court erred in its best interests determination, contending that she is now an adult and should be given a chance to mature and be a good mother. We disagree. Once a ground for termination is established, the court must order termination of parental rights unless there is clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); see also *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). We review for clear error the trial court's decision with regard to the child's best interests. *Trejo*, *supra* at 356-357. A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. See *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

While it is true that respondent was a minor when she gave birth to the children, the minor children were living in deplorable conditions when they were brought into care. Respondent did not make herself available for her children or work with the agencies offering her services. The only hearing at which she appeared was the pretrial on the termination petition, and respondent stated at that time that she was living "here and there" with friends. The foster care worker for the minor children and the report of a psychologist both concluded that it would take a considerable amount of time for respondent to be able to parent the minor children and that the minor children would not be further harmed if respondent's parental rights were terminated. In light of this evidence, we find that the trial court did not clearly err in its best

interests determination or in terminating respondent's parental rights. MCL 712A.19b(5); *Trejo*, *supra* at 356-357.

Respondent also claims that her due process rights were violated because court hearings were adjourned without good cause, her trial was not held on a timely basis, appropriate efforts were not made to find her, and she was not afforded the opportunity to call witnesses, cross-examine witnesses or testify on her own behalf. Again, we disagree. Whether an individual has been afforded due process presents a question of law that we review de novo. *Reed v Reed*, 265 Mich App 131, 157; 693 NW2d 825 (2005).

The parental right to custody of one's child constitutes a liberty interest entitled to constitutional due process protection. *In re Render*, 145 Mich App 344, 348; 377 NW2d 421 (1985). On review de novo of the proceedings below, we find no basis to conclude that respondent was denied such protection. Respondent voluntarily absented herself from the proceedings, and petitioner went to great lengths to find respondent, including talking to family members, contacting the National Center for Missing and Exploited Children, posting flyers at places where she was last seen, looking on websites, looking at the morgue, and checking the records of local Department of Human Services offices. Respondent was represented by an attorney who appeared at every hearing and who represented her at her termination trial and best interests hearing. Respondent clearly had notice of the time and date of the trial but did not appear. In light of these facts, the record is clear that the trial court did not violate respondent's due process rights.

Affirmed.

/s/ Christopher M. Murray
/s/ Joel P. Hoekstra
/s/ Kurtis T. Wilder