

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LAURISSA SUE-ANN
CORNELL, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SHANTELL YOUNG-MILLER, a/k/a
SHANTELL YOUNG,

Respondent-Appellant.

UNPUBLISHED
February 12, 2008

No. 279384
Montcalm Circuit Court
Family Division
LC No. 06-000230-NA

Before: Talbot, P.J., and Cavanagh and Zahra, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order's terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) and (c)(ii). We affirm.

Initially, we reject respondent's argument that the child should have been placed with her after the child was removed from the father's custody, and also during the pendency of this case, because she had joint legal custody of the child. Regardless of whether respondent had legal custody, the court was permitted to assert jurisdiction over the child upon finding that respondent either neglected or refused to provide proper care for the child, or that the child was subject to a substantial risk of harm to her mental well-being. MCL 712A.2(b)(1). At her first hearing before the court, respondent admitted that she had only had limited contact with the child during the child's lifetime, and that there would be a substantial risk of harm to the child by uprooting her right away and placing her with respondent. Thus, respondent waived any right to immediate custody of the child. Thereafter, respondent failed to regularly visit the child despite the opportunity to do so. Accordingly, there is no merit to this issue.

Next, the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 351; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). The conditions that led to the adjudication in June 2006 were that respondent had spent very little time with the child during the child's lifetime, and could not provide the child with a stable home. Those same conditions existed more than a year in July 2007. Respondent moved

frequently and failed to provide petitioner with new addresses or telephone numbers where she could be contacted, she never established stable housing, and she did not have a place to live at the time of the termination hearing. Additionally, she failed to regularly visit the child and never took the initiative to inquire about the child's educational activities. Respondent also had an unresolved drug problem, tested positive for cocaine at least twice, and failed to comply with recommendations for substance abuse counseling. The trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Michael J. Talbot
/s/ Mark J. Cavanagh
/s/ Brian K. Zahra