

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANNAHKEEYAH NORTHRUP,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RUTH NORTHRUP,

Respondent-Appellant.

UNPUBLISHED

March 11, 2008

No. 280740

Gogebic Circuit Court

Family Division

LC No. 06-000059-NA

Before: Fitzgerald, P.J., and Smolenski and Beckering, JJ.

PER CURIAM.

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

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 Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

The initial petition in this case was filed after AnnahKeeyah revealed to respondent's friends, with whom the child was staying in Minnesota, that respondent's live-in boyfriend, Joseph Glatczak, had sexually abused AnnahKeeyah, including inappropriate touching and sexual invitations. The child also reported that Glatczak and respondent tricked her into watching pornographic movies with them, that the couple tried to copy the sexual positions depicted in the movies in front her, and that they forced AnnahKeeyah to drink alcohol. In addition to exposing the child to sexual improprieties, respondent subjected the child to a chaotic environment including the mother's alcohol abuse and criminality, a lack of supervision, and unsuitable and unstable living conditions.

Respondent never attempted to protect and care for AnnahKeeyah before or after the petition was filed. On the contrary, respondent's main concern was for herself. AnnahKeeyah was taken out of respondent's custody because respondent denied that any of AnnahKeeyah's statements were true with regard to her or to Glatczak and refused to stop seeing Glatczak.

Respondent called Elizabeth Fyle, the Protective Services worker, to tell her that AnnahKeeyah was a liar and that the child needed treatment and medication. After the petition was initially filed and AnnahKeeyah was taken out of respondent's custody, respondent called Fyle to ask if she could exchange her voluntary release of parental rights for exemption from criminal charges with regard to AnnahKeeyah's allegations.

There was no evidence that respondent ever acted in the child's best interests or considered her child as a priority in her life. Respondent never had visitation with AnnahKeeyah because she failed to comply with counseling. Respondent continued to deny that she had any problems with alcohol abuse. On August 25, 2006, respondent was found lying in the street too intoxicated to stand up. When police officers attempted to take respondent home, she assaulted one of them and was arrested for assaulting a police officer and for being disorderly. Respondent's blood alcohol level was .298. On March 28, 2007, respondent was pulled over for operating a motor vehicle while intoxicated and was arrested after she failed a field sobriety test. At the Iron County Jail, she refused a breath test. Respondent explained that she "used" alcohol, but she did not abuse it.

While AnnahKeeyah was in foster care and expressing anxiety about where she was going to stay from day to day, respondent went about her life much as she did before, abusing alcohol and getting into trouble with the law. Respondent did not find employment, enroll in classes, or maintain suitable housing in anticipation of AnnahKeeyah's return. Based on respondent's conduct throughout the case, the trial court did not err in concluding that clear and convincing evidence existed to support the statutory grounds for termination or that termination was not clearly contrary to the child's best interests.

Respondent argues that she should be allowed to withdraw her plea because petitioner did not work with her for six months, which was the reason that she had agreed to enter the plea. We disagree. Other than a brief mention regarding alternative relief in her closing argument, respondent did not formally move for or obtain a ruling from the trial court regarding withdrawal of her plea, and there is no decision for this Court to review. *In re Zelzack*, 180 Mich App 117, 126; 446 NW2d 588 (1989).

Moreover, petitioner did make reasonable efforts toward reunification between respondent and her daughter. Fyle made a referral for respondent for counseling. In order to begin visitation with AnnahKeeyah and to be assigned a parent aide, respondent had to attend counseling. Respondent attended one counseling session in 2006 and three sessions in 2007. The counseling never reached a level where her counselor felt that she could recommend supervised visitation. As a result, the parent aide and home visits were never needed. Although Fyle tried to arrange for a different counselor, respondent was not cooperative and indicated that Fyle could call her attorney instead. Accordingly, respondent's argument is without merit and her request for a remand to the trial court is denied.

Affirmed.

/s/ E. Thomas Fitzgerald
/s/ Michael R. Smolenski
/s/ Jane M. Beckering