

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SAMARA AMEKA SULLIVAN
and LAVONTAE KEYMAR CROWLEY, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LASHUNDA TAMEKA CROWLEY,

Respondent-Appellant,

and

SAMUEL DORRELL SULLIVAN,

Respondent.

UNPUBLISHED

March 12, 2009

No. 286748

Muskegon Circuit Court

Family Division

LC No. 03-032220-NA

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

PER CURIAM.

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

Respondent first argues that she received inadequate notice of the termination hearing. Whether respondent-appellant received proper notice of the termination hearing is a mixed question of law and fact. This Court reviews questions of law de novo and a trial court's findings of fact for clear error. *People v LeBlanc*, 465 Mich 575, 579; 640 NW2d 246 (2002).

A summons must be personally served on a respondent in a child protective proceeding unless the court finds that personal service is impracticable or cannot be achieved. MCL 712A.12; MCL 712A.13; MCR 3.920(B). After reviewing the trial court file and counsels' statements on the record, we conclude that respondent was personally served with a summons for the termination hearing. Any subsequent notice of hearing due to the adjournment was not required to be personally served on respondent, but could be served on her attorney. MCR 3.920(F); *In re Andeson*, 155 Mich App 615, 618-619; 400 NW2d 330 (1986). Here, respondent's attorney acknowledged on the record that she was properly served with notice of

the new hearing date but did not inform her client of the date until the night before the hearing. Under these circumstances, respondent was properly served with notice of the termination hearing.

Respondent does not contest that at least one statutory ground for termination was established, but argues that the trial court erred in its determination regarding the children's best interests. Under the law in effect when respondent's rights were terminated, once a statutory ground for termination of parental rights was established, the court was required to terminate parental rights unless it found that termination of parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re JK*, 468 Mich 202, 211; 661 NW2d 216 (2003); *In re Trejo Minors*, 462 Mich 341, 350; 612 NW2d 407 (2000). This Court reviews a trial court's findings regarding a child's best interests for clear error. *In re 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. *In re JK, supra* at 209-210.

Here, there was some evidence that respondent complied with the services offered to her and made progress in certain areas, such as substance abuse. However, the record also showed that many problems remained at the time of the termination hearing. When viewed as a whole, the record revealed that respondent's life was filled with chaos and instability. There was evidence that, just in the past few years, respondent's parental rights to her three older children were terminated, her two youngest children were placed in foster care, she was convicted of crimes, she failed to appear for sentencing at least twice, she had bench warrants out for her arrest, and she served at least two jail terms. In addition, she moved numerous times and was involved in a contentious relationship with the children's father that led to her leaving the children alone in her apartment so that she could assault him with a hammer. Furthermore, there was evidence that respondent did not have a strong bond with Samara, and Lavontae had spent most of his life in foster care. Given this evidence, the trial court did not clearly err in concluding that the children's best interests did not preclude termination of respondent's parental rights.

Affirmed.

/s/ William B. Murphy
/s/ E. Thomas Fitzgerald
/s/ Jane E. Markey