

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AMANDA GRETCHEN
WAMBAR, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

HELMUT RUDOLPH WAMBAR,

Respondent-Appellant,

and

LAQUANDA MONIQUE BARNES-WAMBAR,

Respondent.

UNPUBLISHED
September 3, 2009

No. 289474
Wayne Circuit Court
Family Division
LC No. 07-462809-NA

Before: Saad, C.J., and Whitbeck and Zahra, JJ.

MEMORANDUM.

Respondent father appeals the order of the trial court that terminated his parental rights to his minor child pursuant to MCL 712A.19b(3)(b)(i), (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. *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005); MCR 3.977(J). In January 2007, respondent mother took the then four-year-old minor child to the hospital, where it was discovered that the child had ingested cocaine. Both respondents later admitted to cocaine use. Respondent mother then removed the child from the hospital, and both respondents attempted to hide the child from police at respondent father's home, where police located the child. Throughout the almost two years that the case was pending before the trial court, respondent mother used cocaine continuously, and respondent father also tested positive for cocaine. Moreover, respondent father continued a relationship with respondent mother, despite her continuous cocaine use and despite domestic violence between respondents. During this time, respondent father failed to provide adequate housing for his family. This evidence amply supports the trial court's finding that MCL 712A.19b(3)(b)(i), (c)(i), (g), and (j) were established.

The trial court also did not clearly err in its best interests determination. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000). Respondent father's lifestyle had placed the child in danger in the past and, as it was still unchanged, would continue to place the child at risk. Despite any bond that may have existed between respondent father and the child, termination was in her best interests and necessary for her safety.

We also find that the trial court did not abuse its discretion in refusing to admit into evidence a letter from respondent father's adult daughter. *Waknin v Chamberlain*, 467 Mich 329, 332; 653 NW2d 176 (2002). The letter writer had not been subpoenaed or deposed, there was no explanation regarding why the witness was not present, and there was little offer of proof regarding why the letter was relevant to these proceedings.

Finally, we decline to review respondent father's unpreserved challenge to the trial court's exercise of jurisdiction. Raised for the first time in this appeal of the order terminating parental rights, the challenge is an impermissible collateral attack on the trial court's previous determination of jurisdiction. *In re Gazella*, 264 Mich App 668, 679-680; 692 NW2d 708 (2005).

Affirmed.

/s/ Henry William Saad
/s/ William C. Whitbeck
/s/ Brian K. Zahra