

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AUBREY SANCHEZ, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MISTI BURGESS,

Respondent-Appellant,

and

MICHAEL SNYDER,

Respondent.

UNPUBLISHED

January 8, 2004

No. 249042

Genesee Circuit Court

Family Division

LC No. 00-113290-NA

Before: Donofrio, P.J., and Griffin and Jansen, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (c)(i), (c)(ii), (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 5.974(I), now MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The principal condition that led to adjudication was respondent-appellant leaving her young child with a fourteen-year-old caregiver in an inappropriate home and not having a safe and stable home for the child. The child was thereafter in the temporary custody of the court for nineteen months and efforts were being made for reunification. However, during that nineteen-month period, respondent-appellant had moved frequently and testified that she feared that another move in April, 2002 would cause her to lose custody of her son. The evidence established that respondent-appellant disappeared from April 5, 2002, until the beginning of January 2003. She later testified that she had given up on the child during this period. Although she made minor attempts to leave at least one message with the FIA worker during this period of time to let her son know that she loved him, she did not leave any contact information regarding her whereabouts or even a telephone number. At the time of the permanent custody hearing, respondent-appellant was living at Job Corps and indicated that she was getting her life in order. Her child, who had been removed from her care

when he was nine months old, was now close to three and a half years old and had not seen respondent-appellant for a year. This evidence established that respondent-appellant had deserted the child for ninety-one days, had not sought custody during this period, and was unable to provide stable housing for the child. Moreover, the conditions that caused the child to come within the court's jurisdiction, including the lack of suitable housing, had not been rectified and there was no reasonable likelihood that they would be rectified within a reasonable time considering the child's age. Respondent-appellant asked the trial court to give her a chance, but the court stated that based on the child's age at the time he was taken into temporary custody, it was too late for the mother to now claim that she may be getting her life in order. We do not find that the trial court erred in this determination.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The child deserved permanency, and it was too late for the mother to return and claim that she was now getting her life in order. Thus, the trial court did not clearly err in terminating respondent-appellant's parental rights to the minor child.

Affirmed.

/s/ Pat M. Donofrio
/s/ Richard Allen Griffin
/s/ Kathleen Jansen